



Town of Clayton
Regular Town Council Meeting Agenda
Monday, May 6, 2019 @ 6:00 PM
Council Chambers

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF 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. Draft Minutes

- February 26, 2019 - Town Council Retreat
- April 15, 2019 - Regular Meeting
- April 15, 2019 - Closed Session

[February 26, 2019 TC Retreat DRAFT Minutes](#)

[April 15 2019 DRAFT Minutes](#)

b. Warranty Acceptance

- Parkview, Phases 4 & 6

[Parkview, Phases 4 & 6](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Warranty Acceptances

- Parkview, Phases 8 & 9
- Parkview, Phases 10 & 11

[Parkview Phase 8 & 9](#)

[Parkview, Phases 10 & 11](#)

POTENTIAL ACTION: Place on May 20, 2019 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Employee Introduction:

Presenter: Joy Garretson, Library Director

- Laura Culpepper - P/T Library Assistant

b. Horne Square Kiosk

Presenter: Tony Johnson, Downtown Development Advisory Board

[Cover](#)

[Rendered View](#)

[Dimensions](#)
[Opinion of Cost](#)

POTENTIAL ACTION: Approval of Kiosk

6. PUBLIC HEARINGS

- a. 2019-71-SUP - The Natural Cure, LLC - Special Use Permit (Quasi-Judicial)

Presenter: Planning Department

[Cover](#)

[Application](#)

[Site Plan](#)

[Adj Property Letter](#)

[Neighborhood Meeting Materials](#)

[Newspaper Ad](#)

[Staff Report](#)

[Map](#)

[Motion Sheet](#)

[Approval](#)

POTENTIAL ACTION: Approval/Denial of 2019-71-SUP

- b. 2019-22-OA - Subdivision Standards (HB436)

Presenter: Planning Department

[Cover](#)

[Application](#)

[Clean Copy](#)

[Strikethrough Copy](#)

[Planning Board Recommendation](#)

[Newspaper Ad](#)

[Staff Report](#)

[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2019-05-01

7. OLD BUSINESS

8. NEW BUSINESS

- a. Approval of FY '19 Audit Contract with Anderson, Smith & Wike

Presenter: Robert McKie, Finance Director

POTENTIAL ACTION: Approval of Contract

- b. Budget Amendment Ordinances

Presenter: Robert McKie, Finance Director

[Cover](#)

[Ordinance - Drug Seizure Funds](#)

[Ordinance -Forklift Repair](#)

POTENTIAL ACTION: Adoption of Ordinances #2019-05-02 & #2019-05-03

9. STAFF REPORTS

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

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- b. Council Comments

11. CLOSED SESSION

- a. Closed Session Pursuant to NCGS 143-318.1.1(a)(6)

POTENTIAL ACTION: Motion to Go Into Closed Session

12. ADJOURNMENT

Quasi-Judicial (evidentiary) – These hearings are different from other public hearings in that they resemble a court hearing where testimony is presented and the Town Council acts like a court of law. During evidentiary hearings, the Town Council receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. Citizens may give testimony in an evidentiary hearing after they have taken an oath.



The Town of Clayton
2019 Town Council Retreat – Day #1
Tuesday – February 26, 2019
Clayton Police Department

Mayor McLeod called the meeting to order at 9:00 a.m. Mr. Lindsay offered his thanks and appreciation to everyone for attending. He stated we had a very full agenda and this would help in preparation for the upcoming budget and helps with staff to get feedback and direction.

Mr. Lindsay stated he believed that we needed to use the third overflow day of March 4 to discuss the Enterprise Fund. He introduced both Carl Stenberg & Peg Carlson. Mr. Lindsay stated it was important for a discussion to be had regarding expectations as we move forward. Ms. Carlson stated she was happy to be back with Clayton. She stated she had facilitated a retreat back in 2013. Mr. Stenberg stated he was happy to be here and shared that he had worked with the Mayor during the visioning for the League of Municipalities. He stated the session today would be in a discussion format.

Mr. Stenberg shared information regarding roles and responsibilities of the Council and Manager roles. He shared information regarding the differing staff and council views and values. There was open discussion about communication that takes place between council and staff. There was discussion regarding the change in demographics and the changes seen in the workplace. We are seeing a blended workforce of long term and new generation employees as we transition from a small town to a medium sized town. We are experiencing many senior staff who are close to retirement and many new staff members with differing views. There was discussion regarding professional and political learning and the gap that exists for potential misunderstanding.

Also discussed were seven expectations for Effective Council/Manager Relationships. Expectations follows:

- The council and manger jointly strive for good service to the citizens.
- The manager is a valued advisor to the council.
- Elected officials' relationships with employees are carefully managed.
- The council acts as a body and is dealt with as a body.
- The manager and council give each other a chance to prove themselves.
- The manager and council freely give and seek feedback.
- The manager and the governing body work together to develop a highly effective governing body.

An in-depth conversation was held and included ensuring there is council consensus with project(s) given to manager and concerns regarding projects moving forward without council knowledge. A discussion continued regarding the best way for council to receive updates from the manager. It was agreed that a weekly email with updates would be preferred. Also discussed were concerns about items appearing on an agenda that council had no prior knowledge. It was agreed that the manager would be advised if something needed to be removed from an agenda. Brief discussion took place regarding evaluations and timing. It was agreed that an annual evaluation is usually best, with it being okay for a mid-year check in to ensure there are no real surprises or feedback on evaluations. Hiring of staff was discussed as it related to council serving on an assessment center. Attorney Ross stated she felt it was best to avoid council being involved in the hiring of any staff other than the manager, the clerk and town attorney.

Ms. Carlson asked all council members to list expectations under each of the following. All responses provided are below:

I Expect Council Members To:

- Build a strong team
- Support goals for town
- Set Strategic Plan
- Be a cheerleader for Town
- Be Prepared
- Ask Questions
- Be well informed
- Manage council conflicts as a group
- Be consistent & respectful
- Be willing to talk things out
- Communicate responsibly
- Bring issues of concern to manager
- Actively participate in manager's evaluation
- Clearly define manager's expectations
- Fully respect manager position
- Work through their three employees
- Request information that is important to the council as a whole
- Not create additional work for staff or take up more staff time
- Be respectful
- Be consistent

There was discussion regarding items mentioned above. Attorney Ross stated she felt the Council did a great job and reminded folks not to "take the bait" with

regard to negative posts on social media. There was discussion and Michael Grannis stated when he receives any type of email with complaints he replies in a positive tone and shares information with the citizen.

There was discussion regarding communication being paramount to being a successful team and Michael Grannis added he really appreciated the fact that after a vote is over everybody is respectful of differing opinions and both friendships and communication continue.

Mr. Lindsay added he was greatly appreciative to Council for always being respectful to all. He stated the image of a town is very important when it comes to recruiting talent as council stability is a driving factor.

I Expect Mayor To:

- Communicate to council with needs and important issues
- Always do what is best for Clayton
- Keep balance
- Work for and with team
- Maintain credibility
- Follow the law
- Steer rather than row
- Maintain consistency

There was discussion and Michael Grannis stated the Mayor is a good listener to council and citizens. He is very effective. He listens and conveys to help create a dialogue whenever necessary. It was agreed that most do not realize how much the Mayor represents the town on so many levels. Jason stated it is important for council to continue to be cheerleader for each other at all times.

Adam stated one of the things attracted him to Clayton was the positive energy message felt. He further stated the Mayor is always putting on his best face forward when there are many stresses facing us.

Nancy Medlin stated she sees consistency as something we do well. She stated policies are set and the Mayor and council defend those policies extremely well.

Mayor Expects Council Members To:

- Show up
- Be informed
- Not create more work for others
- Support staff more
- Be a team
- Be prepared
- Communicate responsibly

- Do your job
- Show up – collectively – *presence says a lot*

Council Expects Manager to:

- Do his job
- Manage staff and interpret council expectation for staff
- Take time for council
- Let council know what's coming and keep them informed
- Allow council to communicate staff in a reasonable manner
- Advise on future and upcoming issues before they are a crisis
- Follow council direction & bring to staff
- Make decisions and go with it
- Get approval for all initiatives that take town resources
- Run a tight ship and don't allow perception that children are running school house

There was discussion regarding manager ensuring staff made decisions but balancing that with enforced guidelines.

Mr. Sternberg stated it was very important for council to set direction regarding how they would like to see the manager lead. It was also stated that council needed to focus on directing expectation regarding results.

It was stated that council felt there were times that Mr. Lindsay needs to put his foot down and lead with more authority. Also they felt that he needed to make time for council. It was agreed that council needed to be clear on their timeframe expectation. For example; "I really need to talk to you today" and let him know when something was important

Discussion regarding communication to citizens and lack of newspaper and fact that it is extremely difficult to be able to get information out to everyone. It was stated that when the public is not informed they make assumptions. Discussion regarding the PIO office staffing will continue later in the retreat. Mr. Lindsay stated that he was in full agreement that communication was critical and he wanted to ensure that timely and accurate information was provided.

Break for lunch at 12:33 p.m.

Return from lunchbreak at 1:05 p.m.

There was discussion regarding specific guidelines for manager report/feedback to council. All agreed a "Reader Digest" version would be

preferable. A bi-weekly update was discussed that would be sent to council on opposite weeks that agenda was sent. Agreed that the following topics need to include; possible ordinance change staff is exploring, any project over \$500K, notification of any power failures, sewer spills, water breaks, and street closures.

It was requested that council receive a copy of the Planning Board agenda. Ms. Ross reminded that Planning Board is now a quasi-judicial and council should not be asking questions of planning board members. There was continued discussion regarding if council should attend the Planning Board meeting and Ms. Ross stated from a legal perspective it is fine she had no concerns. Ms. Ross further stated that it as a best practices she would encourage board members not to participate in discussion.

There was discussion regarding use of staff time and consequences. It was suggested that perhaps a summary of department head meeting could be provided that included bullet points that would then allow for providing additional information if requested. Ms. Carlson discussed the risk of getting off of side roads and information. She questioned why council would want to receive this information. Council stated they would like basic general knowledge of issues to be able to address any questions that could be asked of them from citizens.

There was discussion regarding specific guidelines for manager report/feedback to council. All agreed that current monthly report from manager is not enough. Mayor stated he believed what council was looking for was education on hot topics and things that are trending. This would allow council to share all the great things going on in Clayton. Mr. Steinberg asked if hot topics could be decided by manager. All agreed that would be fine and stated they preferred bullet points. It was agreed that an update would list items under strategic goals rather than being categorized by departments and include any possible ordinance change staff is exploring, any project over \$500K, notification of any power failures, sewer spills, water breaks, and street closures. This update would be shared on non-agenda weeks.

Discussion was had regarding manager/council in-person updates. It was discussed how quickly information can change from one day to the next. Ms. Medlin provided the Wastewater Treatment Plant as an example. It was agreed that Mr. Lindsay would meet with two council members at a time once a month.

There was discussion regarding council member contact with staff. It was agreed council should not give staff direction. It was further discussed and agreed that routine requests for information from staff did not have to go through manager. Mr. Lindsay asked for clarification regarding definition of

staff. It was agreed that would be defined as Department Heads. It was further agreed that request that might disrupt work flow that the manager would reach out and get full council feedback and further that all information would be shared with all council members. It was agreed that easily answered questions could go to department heads; example asking Electric Department Director for update on power outage. Mayor stated everyone should be aware and considerate of staff time. Mr. Thompson stated he wanted to ensure should felt comfortable answering simple questions with council and then sharing those conversations with manager. Mr. Lindsay stated that message shared with staff was they should always help council and should additional work or information be needed to share that with him.

There was discussion regarding evaluation process. Mr. Holder stated that the self-evaluation recently completed by Mr. Lindsay showed it was very evident that he spent hours working it and appreciated that. There was discussion regarding the current evaluation process used. Mr. Grannis asked that Ms. Carlson critique the tool and current process used. Peg stated she felt what could the current process to the next level would be council coming together in a group meeting to discuss all individuals assessments and get on same page regarding expectations moving forward. This would be done in a closed session. Peg reiterated feedback should be from body versus individual feedback. She stated there was great value in council meeting first and then bringing manager into discussion. There was discussion regarding inclusion of individual comments or should there be group comments? Peg stated she felt that individuals could/should still identify their own comments. It was agreed that bringing manager into initial conversation during closed session and during this time goals could be discussed and set. Sample evaluation forms used in other municipalities were shared.

Ms. Carlson suggested possibly completing a 360 every five years. 360 feedback is a survey that is distributed and includes feedback from all levels, staff, board members, peers, organizations, community, business, etc.

Mr. Lindsay asked if council would like to look at other tools. Mayor McLeod stated he felt the evaluation needed to be personalized and tied to goals. It was agreed that Mr. Lindsay, Mayor McLeod and Mayor Pro tem Grannis would look at other evaluation options.

Adam thanked council for their input and Mayor offered thanks to Ms. Carlson and Ms. Stenberg for joining us today and sharing their experience and knowledge.

Mr. Lindsay provided notes from last year retreat. He stated a total of 8 goals were established last year and wanted to ensure everyone was still good with these. There was consensus.

Based on previous feedback from council, the following topics would be discussed.

- Police Department (Personnel & Response Time)
- Novo Project Update
- Fire Department (Personnel & Response Time)
- Parking Ordinance Enforcement
- Development Community Meetings Created by Staff
- UDO Rewrite
- Dumpsters
- Video of Council Meetings
- Downtown Camera
- PIO/Economic Development Offices
- DDA
- Panhandling

There was discussion regarding how growth was going to impact police and fire department regarding both personnel and response times. Mr. Lindsay stated we may need to look at Growth Impact Analysis.

Chief Myhand stated that he was looking at some sworn positions that could be civilianized to include; accreditation and evidence. Have civilians would have a lower cost. He stated we would not eliminate the police position but rather place them in another sworn position. He stated he felt there was a need for a study of the Police Department and current positions. He further stated he felt that Pat Bazemore of Developmental Strategies would be a good resource. Council Member Thompson state it was important that we really look at departments and resources to plan for the future rather than being reactionary. There was discussion regarding response times which currently stand at 7 minutes. Chief Myhand stated it was just over 6 minutes a few years ago. He further stated we currently spend approximately 45 minutes per call. He further stated he felt we were managing it well right now but agreed that we don't want to get behind the curve. He further stated that as long as we add staff based on data/measurements we would be okay. Council Member Thompson again stated we need to look at growth and projects so we are not shocked. Mr. Lindsay stated he agreed and we really need to look at growth effect on all departments.

Mayor stated he agreed that we need to look at all departments, however, he believes that public safety is #1 and this is where focus needs to be. Adam

shared his thoughts about the need to have an appreciation for growth in all areas.

Chief Barbee shared a handout with council regarding fire department growth impact. Chief Barbee shared information about the personnel numbers. Spoke about shortage in firefighting personnel. Council Member Bunn asked if we were competitive and Chief Barbee stated when you look at pay and benefits we were. He further stated the concern is that we have to use part time positions to fill in full time. Chief Myhand stated that we compete with Wake County with regard to salary. Mr. Lindsay stated this was a very complex problem.

There was discussion about development and safety issues. It was stated many of our calls are going to assisted living facilities etc. Mr. Lindsay stated we would study this further and provide additional information to Council.

Chief Myhand spoke briefly about grant and school resource officers. Chief Barbee provided information about a SAFER grant opportunity.

There was brief discussion about possibility of expanding the role of Fire Advisory to serve as a Public Safety Advisory Board. All agree there was an interest in this.

Chief Myhand stated many of the current ordinances needed updating. He stated the issue needed to be viewed as a big picture. There was discussion regarding tickets and violations. Chief Myhand asked if perhaps council want advisory board to take look at or a more rapid response. Council Member Thompson and Mayor McLeod stated they were not sure what citizen advisory board would be able to assist with. Mayor Pro Tem Grannis stated he preferred this to be completed sooner than later and believed it would take longer for a board to assist with. He further stated that if someone is violating an ordinance they need to be ticketed or warned. Mayor stated writing warning campaign worked – it got attention. Consensus to move forward. Chief stated he could have something back to council in 90 days. Nancy asked that finance and customer service be worked into the conversation regarding this. Council Member Thompson added this provided an opportunity for a parking education piece.

Chief Myhand provided handout regarding Panhandling. Chief Myhand stated he was prepared to move forward in any direction. Mr. Lindsay stated a Public Safety Advisory Board could help with this. Mr. Lindsay reminded no citizens had attended a council meeting to voice their concerns. There was discussion regarding the county ordinance and if it could be applied. Chief Myhand stated he would follow up with Town Attorney Ross to confirm enforcement of county ordinance.

Stacy provided additional information about First Amendment Issue and stated that letters were received by both Johnston and Wake County from ACLU.

There was discussion regarding Unified Development Ordinance and the need for a rewrite. Both Mr. Lindsay and Ms. Wullenwaber stated staff did not the time to do this project in house. Ms. Wullenwaber suggested this project be taken on by a third party. The cost for total UDO rewrite would be approximately \$92,500, which could be split over two budget years. Ms. Wullenwaber shared information and stated there were several inconsistencies in the current code and also that it was very difficult to read. She further stated she had concerns regarding the current code and several places that it contradicts itself. Mr. Lindsay stated though this would be inconvenient it was very much needed. Council Member Thompson Jason asked if would be cost effective to hire a part time person to work on the UDO. Ms. Wullenwaber stated you need to hire someone with a certain level of skills and they most likely would be a consultant and therefore no cost saving would be realized. Nancy stated a full rewrite has never been done rather it has been handled in a piece meal basis. It was stated that all work would be done remotely. Ms. Wullenwaber also stated that many items, including price, could be negotiated. Ms. Wullenwaber stated she would like to see this start as soon as possible. It was hoped that the process regarding RFP and consultant could begin July 1. Final cost would not be known until bid out. Process would take approximately 90 days. It was agreed that staff move forward with RFP.

There was discussion regarding dumpsters and Ms. Wullenwaber shared additional information and stated average the average cost to come into full compliance would be \$10-\$15,000. She further stated there would be a 5 year time frame to come into compliance. Discussion was held regarding those currently in right of way and whether they could be grandfathered. It was stated that would not include those in the railroad right of way. Question was raised regarding formation of committee. Mayor felt it was not realistic to expect people to spend that kind of money for a dumpster enclosure. Ms. Wullenwaber discussed amortization schedule which could include different standards. Mayor asked if there would a be grant process. It was agreed that Council Member Grannis, Planning Department Staff, Tony Johnson and Nate Evan could make up committee. An inventory of nonconforming locations and a formal report could be drafted for committee, who could then present their suggestions to the Planning Board and Council.

With regard to Development Community Meetings created by staff there was discussion and it was stated it was believed this was going to provide more of an opportunity for input from development community. There was concern voiced that staff had been telling development community what is being done versus getting their input. Mr. Lindsay stated it is always open for sharing of discussion items. Ms. Wullenwaber stated there are times that staff has to

handle due to laws and regulations. Mr. Lindsay stated he would like to understand and have some specifics. He further stated that many of the things that have changed recently related to ensuring we are in compliance and being driven by statute versus being driven by staff. Ms. Wullenwaber also added that public safety is the number one priority. Council Member Grannis stated he did not feel the rollout was as good as he feels it could have been. He stated feedback he received was more of “this is what we are doing” versus perception of the development community having more input. Ms. Wullenwaber stated she had not heard this type of feedback and would pull surveys from previous meetings

With there being nothing further, Day #1 of the retreat ended at 5:10 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Satterfield
Second Council Member Holder

Duly adopted this the 6th day of May, 2019 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town of Clayton
Regular Town Council Meeting Minutes
Monday, April 15, 2019 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Holder
Council Member Thompson
Council Member Bunn

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, A/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
Dale Medlin, Electric System Director
Blair Myhand, Police Chief
Matt Lorion, Parks & Recreation Supervisor
Stacy Beard, Public Information Officer

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:02 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF 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) Draft Minutes
- March 18, 2019 - Regular Session
 - March 18, 2019 - Closed Session
 - April 1, 2019 - Regular Session
- b) Proclamation - Portofino Derby Classic Day
- c) Warranty Acceptances
- RWAC - Alpine Valley Phase 6A-4
 - Parkview Subdivision , Phase 1

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Holder
Second: Council Member Thompson
Vote: Unanimous

4 ADMINISTRATIVE ITEMS

- a) Warrant Acceptance
- Parkview, Phases 4 & 6

ACTION: Placed on May 6, 2019 Consent Agenda

- b) Award Badge & Service Weapon - Retired Sergeant Andy Jernigan
Presenter: Blair Myhand, Police Chief

Chief Myhand requested that council authorize the awarding of Sgt. Jernigan his badge and service weapon. He received a medical retirement effective December 31, 2018. This will be presented to Sgt. Jernigan at Annual Police Awards Ceremony in May.

ACTION: Adoption of Resolution #2019-13

Motion: Council Member Holder
Second: Council Member Thompson
Vote: Unanimous

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Employee Introduction
Presenter: Dale Medlin, Electric Department Director
- Mack Keen - Promotion to Electric System Superintendent

Mr. Medlin stated it was his honor and privilege to announce and introduce Mack Keen as the new Electric System Superintendent. Mack has worked for the Town for 19 years and was one of the qualified applicants that participated in a recent assessment center for this position. Mr. Medlin stated he was highly qualified and it was a very well deserved promotion... Mr. Keen stated he was very grateful for the support and opportunity and looked forward to continuing his career with the town. Council offered their congratulations.

- b) Johnston Health Foundation's Angel Fund / Portofino Derby Classic Day Proclamation
Presenters: Stewart McLeod, Johnston Health Foundation Board Chair & Mike Marvel, Derby Classic Event Chair

Representatives were unable to attend the meeting and the Clerk will mail the Proclamation.

- c) East Coast Greenway Support & Update
Presenter: Niles Barnes, Deputy Director - East Coast Greenway Alliance

Mr. Matt Lorian of Parks & Recreation Department introduced Mr. Barnes. Mr. Barnes presented an overview of the East Coast Greenway. He provided details about the greenway which has a total of 3,000 miles. Also shared were maps showing the location of the trails/greenway through the State of North Carolina. He shared details about the upcoming portion of the greenway in

Clayton. He offered his thanks for the investment that Clayton has made and requested an updated Resolution in support of this project.

ACTION: Adoption of Resolution #2019-14

Motion: Mayor Pro Tem Grannis
Second: Council Member Thompson
Vote: Unanimous

6 PUBLIC HEARINGS

- a) 2019-29-ANX - The Village @ Little Creek Subdivision - Annexation
Presenter: Planning Department

Ms. Wullenwaber presented a request for annexation of this subdivision, this subdivision was approved in 2016 and is for 154 lots.

Public Hearing was opened, no one wished to speak.

With there being nothing further the hearing was closed and item turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2019-04-05

Motion: Mayor Pro Tem Grannis
Second: Council Member Holder
Vote: Unanimous

- b) Abandonment of Portion of Horne Street
Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber presented and stated this is a request to close a portion of Horne Street, approximately .292 acres beginning at S. Fayetteville Street to the current Town Hall parking lot entrance. She shared a parking lot rendering on the screen and stated copies were also provided in the agenda packets. She stated there safety concerns about the current configuration to include on-street parking on both sides of the street making Horne Street impassable This is one of the reasons for the closure as well as the need for additional parking at Town Hall.

Ms. Wullenwaber provided history of parking. In 2014 there were 41 spaces, leaving from the south entrance, it would be difficult to see around the cars parked on the street. There have been accidents with cars coming from Fayetteville Street down Horne Street. At that time Council began to identify the parking needs.

In April 2015, Council adopted a project to add 18 additional spaces between The Clayton Center and Horne Memorial. They entered into a cross access agreement with the church and built these spaces.

In October 2017, 3 lots across the street, including the Talton lot were available for sale. At the time a developer planned on buying those but the plan fell through and since that time someone has since purchased two of those lots. When that developer was planning on purchasing all 3 of the lots, there was discussion of adding 14 diagonal parking spaces and that plan fell through. In January 2018, when someone else purchased lots #2 and #3, the Town was able to purchase Lot #1 with the plan to further expand the parking. In March 2018, the deal closed on the land and the discussion began on what to do in conjunction with Horne Memorial to maximize the parking and meeting the needs of the area. In May 2018, Council adopted and approved to install 20 diagonal spaces on Second and Fayetteville Street, this also includes a 4-way stop.

August 2018, Ms. Wullenwaber stated that Boehlert Engineering created several layout options for the Town, these were shared with staff and was a collaborative effort. These layouts proposed between 106 - 115 spaces.

In December 2018, the plan went through 2 cycles of the Technical Review Committee, with various changes made regarding entrance and dumpster. This updated design would accommodate the space for school and tour buses.

Ms. Wullenwaber provided a layout with many staff comments, that would accommodate a 55' truck and trailer and all turn radius and also alleviates any traffic and safety concerns. Town staff agreed that closing Horne Street would be the best option. A rendering was shown with 110 spaces, it displayed buffering and dumpsters and the storm water issues were also addressed.

Wyatt, from Boehlert Engineering spoke, and stated this was a very collaborate process to maximize the area with parking. He shared information about underground storm water requirements and stated this has been through TRC process and has been vetted and believes it is best solution for town and parking in this area.

Travis, of Kimley Horn, stated they were asked by Town staff to address traffic concerns pertaining to the street closure, traffic counts were performed at Fayetteville and Second Streets, Horne and Church Streets, and the two driveways to determine how much traffic used that portion of Horne Street. It was determined the volumes are relatively low with a count of about 900 vehicles a day with 5-10% of the traffic going to The Clayton Center. It is expected the majority of the traffic would divert over to Second Street, most of the traffic is not turning on or off of Fayetteville Street, it is continuing over to Robertson.

Council Member Thompson asked if the traffic counts on any other streets were measured. It was stated there were counts measured on the intersections of Barbour and Blanche and Page and Blanche, for comparison purposes the volume on Horne Street is approximately 2 to 3 times higher than what they are on Blanche Street. Blanche carries approximately 500 vehicles a day. Council Member Thompson asked if an adequate study done to determine what might happen if street was closed. Travis responded the only

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way to tell what that might be would be to close street, however, his experience tells him most traffic would divert to Second Street.

Council Member Thompson asked what time and what day of the week were the studies performed, Travis replied on Thursday, February 14th they studied Horne and The Clayton Center as well as the two driveways and on Tuesday, March 12th they studied the Blanche intersections. The times on both days were from 6:30-8:30AM, which are the school peak hours and from 2:00-7:00PM with the afternoon peak hours being from 2:00-3:00PM.

Mayor Pro Tem Grannis asked if there was an event going on at Clayton Center during the study times, it was stated no but the count was not for cars turning in but for the through traffic. Mayor Pro Tem Grannis expressed concern about events, etc. Travis stated he is trying to gauge the background traffic and not the traffic turning into The Clayton Center.

Mayor Pro Tem Grannis asked if these traffic times are standard times for traffic studies, it was stated normally the traffic count time would have been shorter but they extended hours due to the high school traffic. It was determined the longer duration study would be appropriate for these intersections.

Mayor stated he believed that "everyday" count was achieved and he is pleased. His question is did we give any consideration to if this would impact Hamby Street? He feels this area would be impacted versus Blanche or Penny streets. It was discussed, but no counts were done since there wasn't a lot of traffic turning onto Fayetteville, it seemed unnecessary. He stated he feels the traffic on Hamby may increase a little but would not be significantly impacted.

Mayor Pro Tem Grannis questioned the discussion on the viability of closing Horne for evaluation, he asked if that is something that should be done, and he stated this would allow for a true study. Travis stated this is something that has been discussed, in order to do this it would have to be coned off causing inconvenience to residents. Mr. Lindsay stated there would be additional fees for such a study, he wanted to hear what the traffic engineer stated about the current study before considering putting additional dollars forth.

Mayor Pro Tem Grannis stated he has concerns about potential safety hazards. Mayor McLeod asked what safety hazards. Mayor Pro Tem Grannis stated that not closing the road due to financial concerns it has the potential to hamper safety. If we leave that open without investigating and we have one accident, he feel every option available needs to be looked at. He feels the cost would be negligible.

Travis, of Kimley Horn, stated that his opinion is that this closure would not cause a safety issue, he stated there is a very good grid in this part of town, there is good network of traffic control in this area, and good visibility at all the intersections. Mayor Pro Tem Grannis stated the traffic will have to go somewhere, if there is no evaluation period performed, will you know where that traffic is really going to go. Travis stated now with a 100% certainty but it

April 15, 2019
DRAFT Minute
Page - 5

is based on his 15 years of experience. He stated it is not standard practice to cone off a street and see how traffic flows.

Council Member Holder asked if we considering closing street for a study we need to consider the safety issue if we keep the street open and we have now developed a third access parking entrance to the parking area which creates another safety hazard.

Council member Thompson asked how many streets in similar size towns had he evaluated for closure, Travis replied approximately 10-20 over the course of his career.

Mayor McLeod noted this as a public hearing and asked anyone wishing to speak to step forward.

Brian Blake is representing Horne Memorial Church, he stated he is very aware of growth, he stated the town has been addressing growth and the challenges that come with that including addressing parking needs. He spoke about how lucky we are to have this growth and parking is always a challenge. The idea of expanding the Town Hall parking lot would serve many to include the church and the church has been agreeable to this project as well. He stated they see the need for parking for The Clayton Center events and feels the closing of Horne street allows the maximization of the space. Trustees of Horne Memorial support the project. He shared thoughts that the closing of Horne Street would impact church as much as anyone but he still feel strongly the project is a good one. They are in full support of the project.

Jessica Lloyd spoke as a concerned of resident. She offered appreciation to Council for listening to the residents, holding additional meetings, and the traffic study. Her main concern is the decision to close the road and demolition of a parking lot that is in good working condition. She asked if the proposed plan addressed traffic patterns to allow for safe walking on the streets around Horne. Her concern is the statement from the traffic study consultant that it is unknown what will happen when/if we closed the road. She stated that concerns her greatly. She asked Council to look at other options and to investigate the traffic study further.

Mr. James Lipscomb, representing downtown business owners, stated he hates the idea of tearing up a perfectly good parking lot. He shared another option for the parking to benefit The Clayton Center, Horne Memorial, Hocutt-Ellington Memorial Library and Downtown Clayton businesses and customers. He shared concept for Option "2" and provided a copy of this option. He worked with Mark Hall on this proposal. He shared comparisons of the Option "1" town project and Option "2" to include spaces, dumpster, loading area, Horne Street open, public art, cost, savings and Main Street Parking Lot Options. He stated the figures are estimates. He proposed to take estimated savings on option "2" and purchase Main Street Parking Lot. He shared proposed parking design. He spoke about an area for a tour bus and/or employee parking when needed. The design shows angled parking on Horne Street and also includes sidewalks between parking. Mr. Lipscomb stated he

April 15, 2019
DRAFT Minute
Page - 6

felt this option would save money and provide approximately the same number of parking spaces. He also spoke about a pedestrian walkway from the parking lot on Main Street to the Woman's Club/Library.

Council Member Satterfield stated he would like to have time to study Mr. Lipscomb's plan and discuss it with staff. He shared information about the parking lot on Main Street. Mr. Lipscomb stated we needed to look at this like an economic development and it would serve the public well for readily accessible parking. Mr. Lipscomb feels this option offers lots of help and would be good for many.

Mayor McLeod stated the concept is good, he would like to hear from certified professionals regarding it. The cost savings would be excellent but we still don't know the underground costs and we need to learn more about details. As far as parking on Main Street, that is totally the Town Council's call. One of the wins for Option "2" is the savings, and it doesn't mean that we need to purchase that parking lot. Mayor McLeod stated that what we have now is working we are 98% rented out.

Council Member Holder stated his concern is he feels that closing Horne would eliminate safety and this option feels three entrances would be a safety issue.

Mayor McLeod stated his concerns about slanted parking on Horne Street and safety concerns about backing out of parking spaces onto Horne Street. He had safety concern about folks who might not use the crosswalk but rather getting out of their cars and walking across the street.

Mr. Lipscomb suggested leaving Horne street entrance and adding additional entrances. Mr. Lipscomb stated we are doing angled parking on Fayetteville and Second streets and feels angled parking on Horne would not be a problem. Mayor McLeod stated that Horne would have two sides backing out versus one side as is on Fayetteville Street.

Council Member Satterfield asked staff about closing Horne Street and still keeping the lots we currently have. Ms. Wullenwaber stated the plan was not to demolish the existing parking lot, but discussed underground and existing infrastructure. She stated the design would keep it as consistent and safe as possible. Ms. Wullenwaber stated there are concerns about backing out as noted in Option "2" and perhaps vehicles turning off of Fayetteville at same time. There was discussion regarding storm water issues. The engineer from Boehlert shared details about existing the storm water situation. He stated he has not evaluated it but expects it would be subject to storm water regulation and would have similar requirements. He stated there are some current drainage issues that staff noted to Boehlert and are reworking those areas.

Council Member Bunn stated he has some concerns and asked what it would take to block the street for a few days and do a road closure. Mr. Lindsay stated we could not do a complete closure of the road, we would still need to leave it open for traffic to and from The Clayton Center. Mr. Bunn stated he

wanted to hear more about the storm water issues, he stated he has concerns with Option "2".

Council Member Thompson stated he believed all options needed to be heard. He wants other options to be presented and appreciates the effort put in by a citizen. He stated it has given us something to look at and gives us other options to consider.

Mayor Pro Tem Grannis stated he agreed with Council Member Thompson. He stated he wished he had asked for additional option and felt it was in the best interest of everyone to review this further and consider the viability. He stated if the Council feels this has credence, it needs to be vetted. He does not want to rush to judgment and he suggested we table the resolution and pursue additional options. Mayor McLeod stated he would be in agreement with that.

Mr. Allen Tew shared his concerns and stated he is an everyday user of Horne Street. He stated the way he learned of this issue was from the Public Hearing signage. He shared his personal experience regarding the request of a traffic study from town staff and frustration regarding other documentation requests. He shared his concerns that a private citizen needed to come up with addition option. He spoke about the proposed cost being \$100,000 over what he believed budget to be. He stated he was confused at much of the information provided at the community meeting. He also spoke about the possibility of Town Square parking spots being eliminated in the future, he stated that didn't make much sense. Mr. Tew provided photos of Second Street showing school buses parking along the same side. He stated that he believed the closing of Horne Street is short sided and ignores the residents. He stated he did not believe this project made any good economical expenses. He stated that he didn't see a big deal about backing out of parking spaces. He also shared his concerns about emergencies and safety. He shared his concerns about the old Town Hall building.

Mr. Houston stated he was pleased with Option 2 and hoped Council would take it into consideration. He stated we did need additional parking in downtown and didn't feel we needed to close Horne Street. He stated the grid was working as it should and shouldn't be shut down.

Mayor McLeod closed the public hearing at 7:42p.m.

Mayor Pro Tem Grannis made a motion to table this for additional information and options. Council Member Satterfield stated he would like to see Horne Street closed for a few days and gather information modify above.

ACTION: Tabled Item to Gather Additional Information/Options To Include Possible Closing of Horne Street for a Few Days

Motion: Mayor Pro Tem Grannis
Second: Council Member Holder
Vote: Unanimous

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7 OLD BUSINESS

8 NEW BUSINESS

9 STAFF REPORTS

- a) Town Manager
 - Budget Update/Schedule

Special Meeting will be held on May 1st at 10:00a.m. Council will receive proposed budget prior to a second public hearing at which public input will be heard. He further stated if it were the pleasure of the council the budget could be adopted at that meeting.

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

Chief Myhand presented Council with commemorative coins for 150th anniversary.

Stacy Beard shared details about the 150th celebration on both Friday and Saturday. She stated the rain didn't stop us from a great celebration. She spoke about the vision of the event being held outdoors. Huge thank you to the high school, staff and students and all the amazing work they did to accommodate the event. Approximately 5,000 attended this event. Ms. Beard offered thanks to Michelle Bonham, the Event Planner for this event. Mayor McLeod stated his voicemail and email were filled with compliments and appreciation. Mayor McLeod offered his sincere thanks to Michelle and Bennett Jones at Clayton High School. Mayor McLeod asked for the Town, on behalf of the Council, to send a letter of appreciation to Bennett as well as the Superintendent of Johnston County Schools to let them know what a true leader they have in Bennett. Mayor McLeod said it was an incredible birthday celebration. Mayor McLeod acknowledged Porter Casey for his work as co-chair of the committee. Mr. Casey offered his thanks to Ruth Anderson, Michelle and Stacy. He stated the sponsors were very happy with the event. Council Member Thompson suggested some sort of acknowledgement for the principal and key players, perhaps in their gym. Mayor Pro Tem Grannis offered thanks to Michelle, Stacy and the committee.

10 OTHER BUSINESS

- a) Informal Discussion & Public Comment

Ken Wilson, not a resident, but stated his neighborhood had a midnight deposit of refuse. The Sheriff came out and assisted. Mr. Wilson requested that should this happen in the town, those responsible be held accountable. He stated he lives in The Bluffs of Austin Pond which is off of Highway 42. Mayor McLeod stated it would great to share this with the Johnston County Commissioners.

Mayor Pro Tem Grannis confirmed that The Bluffs of Austin Pond is outside the Town's ETJ.

b) Council Comments

Council Member Satterfield addressed his concerns on facades and how all four sides of buildings are not required to be same. He stated this is something that needed to be addressed. Council consensus is to move forward with addressing this.

Council Member Bunn stated the intersection of Fayetteville & Main Streets needed to be looked at regarding intersection site and accidents. He asked Chief Myhand to look into this and get back with Council.

11 CLOSED SESSION

a) Closed Session Pursuant to NCGS 143-318.11.(a)(3) & (6)

ACTION: Motion to Go Into Closed Session at 8:04 p.m.

Motion: Council Member Thompson

Second: Council Member Holder

Vote: Unanimous

12 ADJOURNMENT

Council returned from Closed Session at 9:25 p.m. With there being nothing further, the meeting was adjourned.

ACTION: Motion to Adjourn

Motion: Council Member Satterfield

Second: Council Member Thompson

Vote: Unanimous

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

April 15, 2019
DRAFT Minute
Page - 10



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Karen Durham, Engineering & Inspections Coordinator

Date: March 29, 2019

Subject: Parkview, Phases 4 & 6

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of the warranty, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Karen Durham, Engineering & Inspections Coordinator

Date: April 22, 2019

Subject: Parkview, Phases 8 & 9

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of the warranty, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Karen Durham, Engineering & Inspections Coordinator

Date: April 9, 2019

Subject: Parkview, Phases 10 & 11

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of the warranty, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.



Town Council Agenda Cover Sheet

Meeting Date

May 6 2019

Agenda Location

Introductions & Special Presentations

Item Title

Horne Square Kiosk

Presenter

Tony Johnson, CDDA Vice Chair

Summary/Description

The Clayton Downtown Development Association (CDDA) has been working on a design (through Tony Johnson) for a kiosk to display updated information on downtown businesses and events. In looking for a location that would be centralized, Horne Square was identified as an open and natural spot where people gather. Further, the placement of a kiosk in the square would be in a location that is easily accessible and visible to the public without impeding circulation or other planned uses in the square.

The design of the kiosk is now complete, and has been approved by the CDDA as the preferred design. The CDDA is now recommending to Town Council that they approve the proposed design and location, and allocate available funds from the façade and site element improvement grant program to complete the project this fiscal year. The anticipated cost of the kiosk is \$13,000.

Tony Johnson will be giving a formal presentation of how the proposed kiosk design occurred.

Requested Action

Approval

Funding Source (If Applicable):

Façade and Site Element Improvement Funds – Grant from JC Visitors Bureau

Cost: N/A **Yes** ☒ **No** ☐

Additional Documents to be Included in Agenda Packet

- Construction Documents
- Opinion of Probable Cost

Meeting Timeline

Click or tap here to enter text.

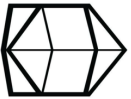


REVISIONS

HORNE SQUARE KIOSK
CLAYTON, NC

818.555.5717
TONYJOHNSONARCHITECT.COM
104 N. LOMBARD ST.
CLAYTON, NC 27520
TONYJOHNSONARCHITECT.COM

TONY
JOHNSON
ARCHITECT



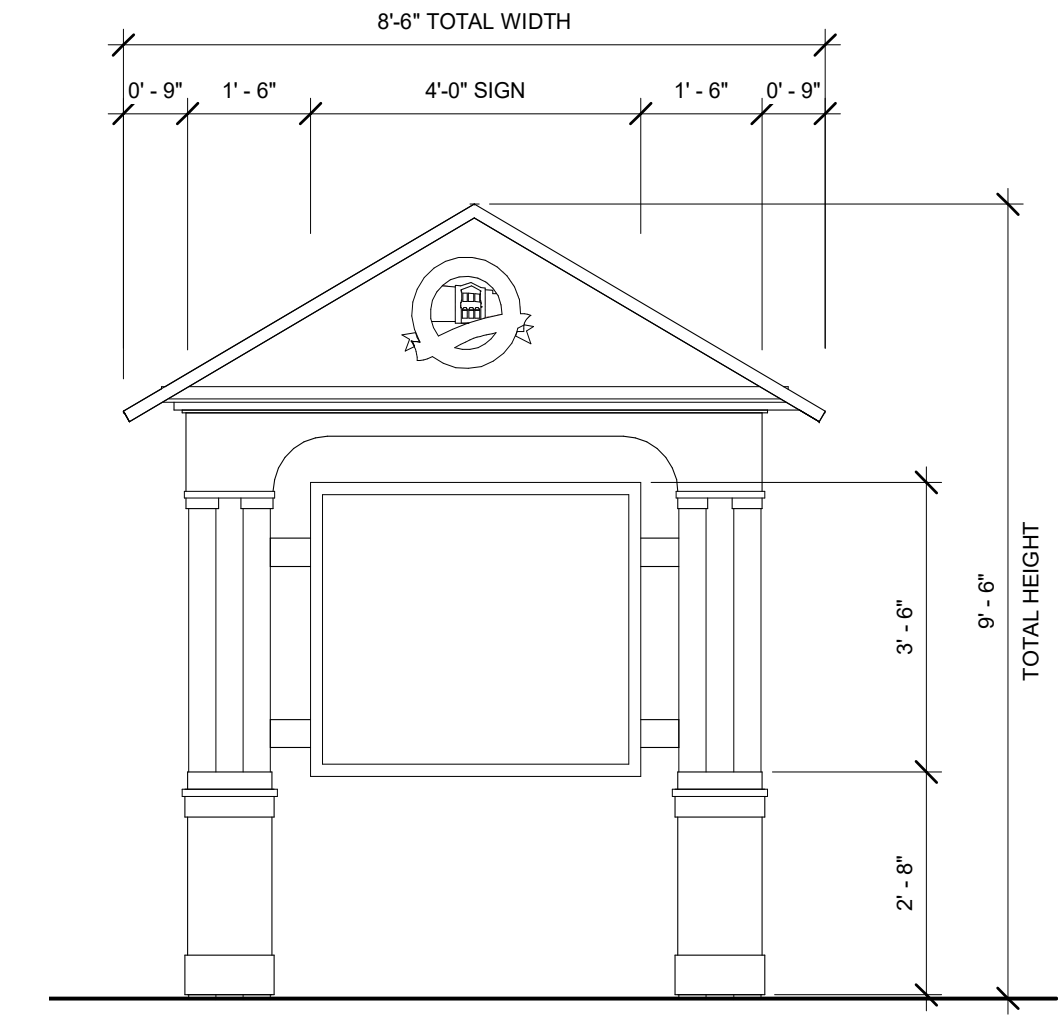
DATE

1-15-2019

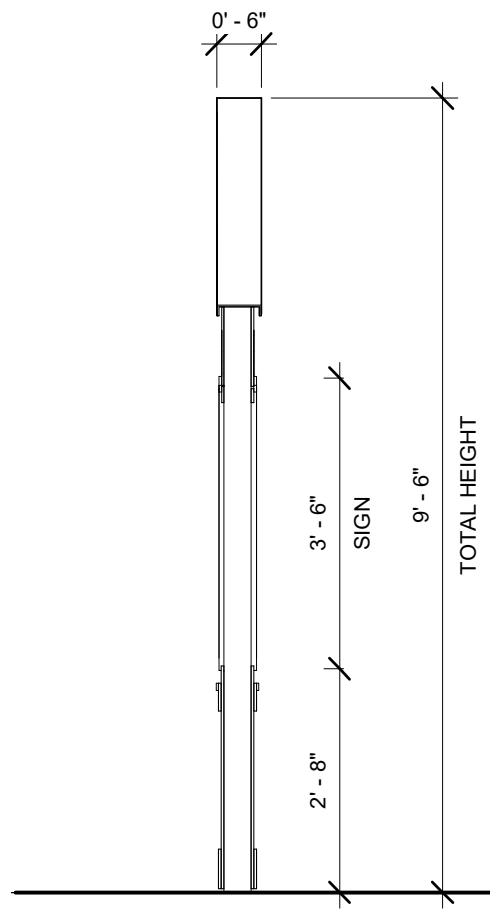
SHEET

A-1





① FRONT ELEVATION
1/2" = 1'-0"



② SIDE ELEVATION
1/2" = 1'-0"



REVISIONS

HORNE SQUARE KIOSK
CLAYTON, NC

818.565.5717
TONYJOHNSONARCHITECT.COM
104 N. LOHMEYER ST.
CLAYTON, NC 27520
TONYJOHNSONARCHITECT.COM



DATE

1-15-2019

SHEET

A-2



TONY
JOHNSON
ARCHITECT

February 21, 2019

Mr. David DeYoung
Economic Development Director
Town of Clayton
Clayton, NC 27520

Re: Opinion of Probable Construction Cost- Horne Square Kiosk

Mr. DeYoung:

Based on conversations I have had with Nick Malkich of Late Night Fabrication and representing my best judgment as a design professional, the following is an Opinion of Probable Construction Cost for the Horne Square Kiosk as designed by my office:

Kiosk Structure (steel frame and facing)	\$9,000.00
Installation (remove/ replace pavers, concrete footing, install kiosk)	\$2,000.00
Enclosed Bulletin Board w/ LED lighting (x2)	\$1,500.00
Conduit installation (material only – installation by Town staff)	\$ 500.00
<u>Contingency</u>	<u>\$ 2,000.00</u>
Total	\$ 13,000.00

Note: This opinion is provided solely for the guidance of the client. The Architect has no control over the cost of labor and material or market conditions and does not guarantee the accuracy of the Opinion as compared to actual bids or cost to the client.

Tony Johnson, Architect



Town Council Agenda Cover Sheet

Meeting Date

May 6 2019

Agenda Location

Public Hearings

Item Title

2019-71-SUP The Natural Cure

Presenter

Samantha Wullenwaber, Planning Director

Summary/Description

The applicant is requesting the approval of a Special Use Permit to operate the use of a medical office on a property that is zoned Central-Business (B-1).



Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Staff Report
Staff Report Maps
Neighborhood Meeting Materials
Site Plan (Aerial Sketch)
Adjacent Property Owner Letter
Newspaper Ad

Meeting Timeline

Town Council Hearing – May 6th, 2019



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

SPECIAL USE PERMIT APPLICATION

Application Fee: \$400.00
Advertisement Fee: \$200.00

☒ New Special Use Permit

☐ Major Modification to an approved SUP
Permit Modified: _____

SITE INFORMATION

Name of Project: The Natural Cure, LLC
Acreage of Property: _____ Zoning District: B-1
County Tag #: 05015008 NC Pin #: 166913-02-9812
Address/Location: 112 N. Church St, Clayton, NC 27520
Existing Use: office (medical) Proposed Use: office (medical)
Is project within a Planned Development? ☐ Yes ☒ No If yes, which: _____
Is project within an Overlay District? ☒ Yes ☐ No If yes, which: _____

APPLICANT INFORMATION

Applicant: Reem T. Darar - The Natural Cure, LLC
Mailing Address: 1205 Kinsdale Dr. Raleigh, NC 27615
Phone Number: 919-422-3585 Fax: _____
Contact Person: Reem T. Darar
Email Address: drdarar@thenaturalcure.net

OFFICE USE ONLY

Date Received: _____ Amount Paid: \$ 600.00 File Number: 2015-71-SUP

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

The application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances.

3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The application will not substantially injure the value of adjacent properties, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

The application will not affect the adopted plans and policies of the town or violate the character of existing standards for development of the adjacent properties.

APPLICANT AFFIDAVIT

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

Reem Darar
Print Name


Signature of Applicant

03/27/2019
Date



April 1st

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

SPECIAL USE PERMIT APPLICATION COVER SHEET

Name of Project: Special Use Permit Date: 03/27/2019
Applicant Name: The Natural Cure, LLC

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: 03/20/19 @ 2:30pm
- ☒ Application Review fee
- ☒ Advertisement Fee

11 copies of the following:

- ☒ Completed Application
- ☒ Owner's Consent Form Applicant is owner
- ☒ Adjacent Property Owner's List
- ☒ Neighborhood Meeting Notice Letter (1 copy)
- ☒ Wastewater Allocation Request Form (if applicable)
- ☒ Set of stamped, addressed, empty envelopes for adjacent property owner notification
- ☒ Associated Site Plan (separate application required for major site plans, must be submitted concurrently)

Reviewed by: 



PROPERTY OWNER INFORMATION

Name: 112 Church LLC
Mailing Address: 13200 Strickland Rd Suite 114-222, Raleigh 27613
Phone Number: 919-295-6778 Fax: _____
Email Address: reem@newvisionllc.net

EXPLANATION OF PROJECT

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

Town of Clayton has required a medical office in this
district to submit a special use permit.

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

The application will not endanger the public health or
safety if located where proposed and developed as
approved.



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



Scale: 1:817 - 1 in. = 68.06 feet
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
March 22, 2019



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

April 11, 2019

NOTICE

SUBJECT: **Project:** 2019-71-SUP The Natural Cure Special Use Permit
 Address: 112 N. Church Street, Clayton, NC 27520
 PIN #s: 166913-02-9812 / 05015008
 Applicant: Reem T. Darar – The Natural Cure, LLC

Dear Clayton Area Property Owner:

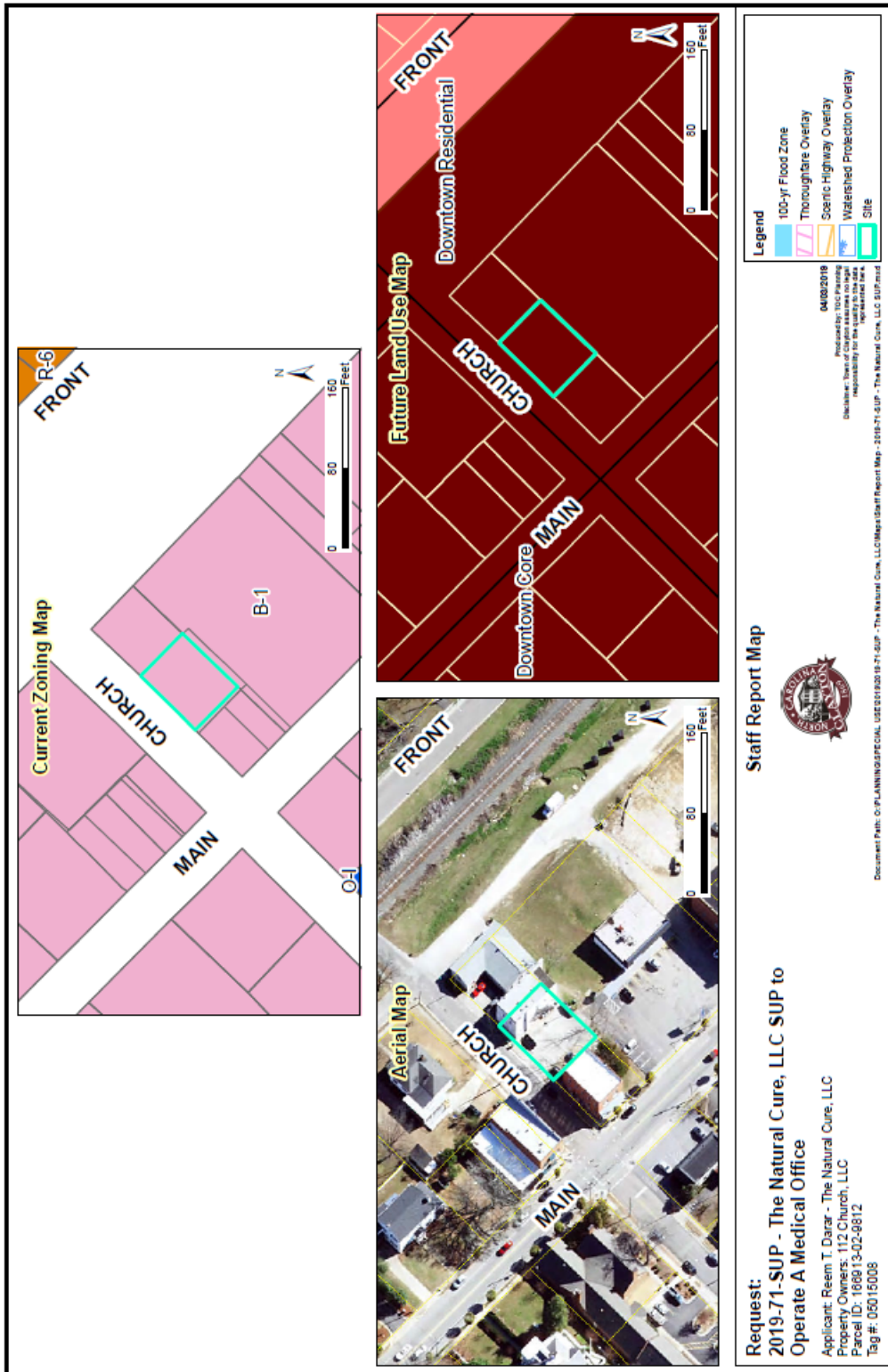
Notice is hereby given that the Clayton Town Council will hold an evidentiary hearing on **Monday, May 6, 2019 at 6:00 PM** at Town Hall, 111 E Second Street, to consider the above referenced Special Use Permit application. The applicant is requesting a Special Use Permit to operate a medical office in the Central-Business (B-1) District. Per the Unified Development Code, a Special Use Permit is required for the use of a medical office in the B-1 Zoning District. The property is located at 112 N. Church Street and is zoned Central-Business (B-1); please see the map on the back of this letter.

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

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

Sincerely,

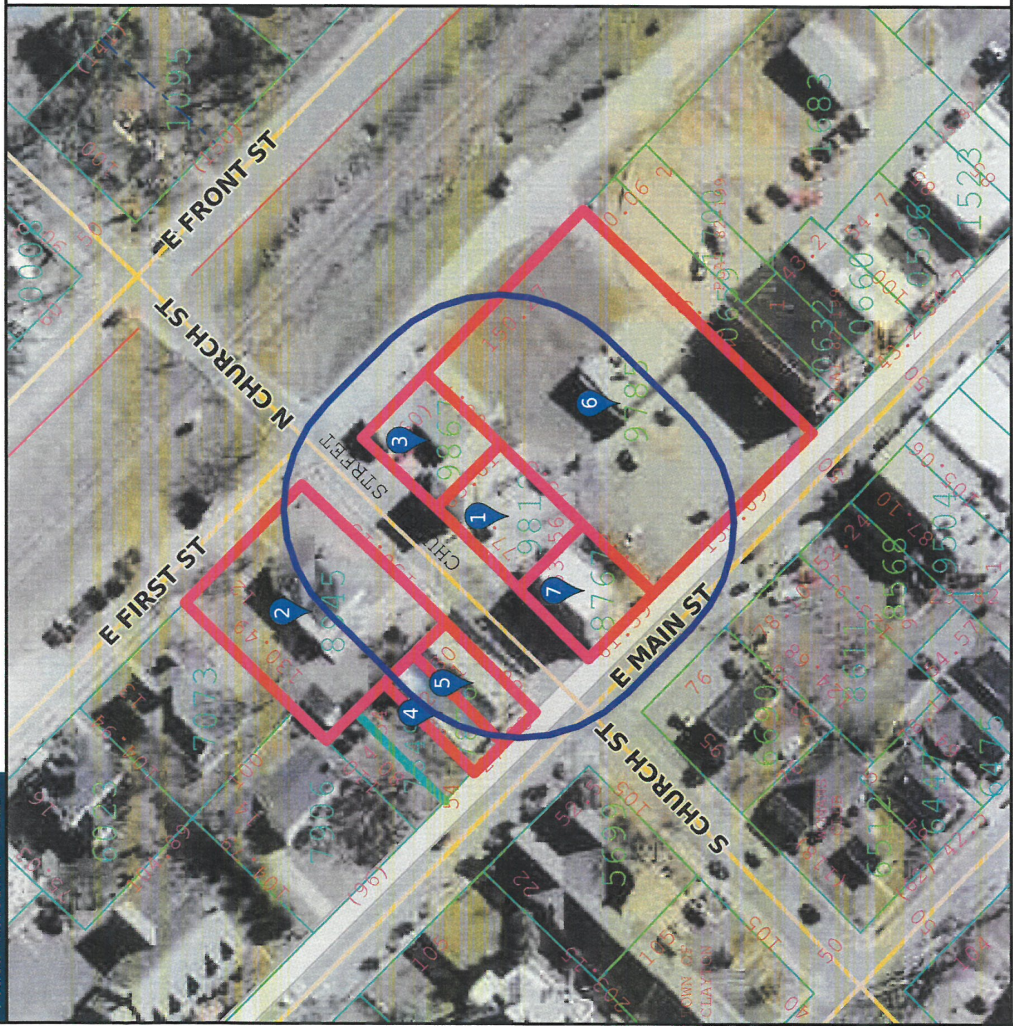
Damiere Powell
Planner





*** DISCLAIMER ***

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Result 1

id: 05015008
Tag: 05015008
Owner Name 1: 112 CHURCH, LLC
Owner Name 2:
Mail Address 1: 13200 STRICKLAND RD STE 114-222
Mail Address 2:
Mail Address 3: RALEIGH, NC 27613-5212
Book: 05068
Page: 0951

Result 2

id: 05015012
Tag: 05015012
Owner Name 1: VALKYRIE HOLDINGS, LLC
Owner Name 2:
Mail Address 1: 131 E 1ST ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2440
Book: 04830
Page: 0012



Scale: 1:1257 - 1 in. = 104.79 feet
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
March 22, 2019



*** DISCLAIMER ***

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

Result 3

id: 05015007
Tag: 05015007
Owner Name 1: EVERHART, REX M
Owner Name 2: EVERHART, CAROL S
Mail Address 1: 2699 COVERED BRIDGE RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527
Book: 04526
Page: 0700

Result 4

id: 05015011
Tag: 05015011
Owner Name 1: STUDIO BLUE, LLC
Owner Name 2:
Mail Address 1: 126 E MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2448
Book: 04894
Page: 0327

Result 5

id: 05015010
Tag: 05015010
Owner Name 1: JOCO RENTALS LLC
Owner Name 2:
Mail Address 1: 204 UWHARRI CT
Mail Address 2:
Mail Address 3: GARNER, NC 27529-7743
Book: 03381
Page: 0124

Result 6

id: 05015006
Tag: 05015006
Owner Name 1: HOMETOWNE INVESTMENTS
LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 133
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03302
Page: 0500

Result 7

id: 05015009
Tag: 05015009
Owner Name 1: GELABERT, BERNARDO
Owner Name 2: GELABERT, NOSAIRA
Mail Address 1:
Mail Address 2: PO BOX 884
Mail Address 3: GARNER, NC 27529-0884
Book: 03709
Page: 0932



The Natural Cure, LLC
112 N. Church St
Clayton, NC 27520
919-435-4144
DrDarar@TheNaturalCure.net

March 29, 2019

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use change or development proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: April 15, 2019 Meeting Time: 6:00 PM

Meeting Location: 112 N. Church St, Clayton, NC 27520

Type of Application: Special Use Permit

Project/proposal property address: 112 N. Church St, Clayton, NC 27520

Description of project/proposal: Town of Clayton has required a medical office in this district to submit a special use permit

Upcoming public meetings for this application (Planning Board and/or Town Council):
May 6, 2019

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

If you have any questions prior to or after this meeting, you may contact us at **919-422-3585**. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Dr. Reem Darar

Cc: Town of Clayton Planning Department

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Special Use Permit
Date of Mailing: March 29, 2019
Date of Meeting: April 15, 2019 Time of Meeting: 6:00 PM
Location of Meeting: 112 N. Church St, Clayton, NC 27520

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

Printed Name: Reem T. Darar

Signature: 

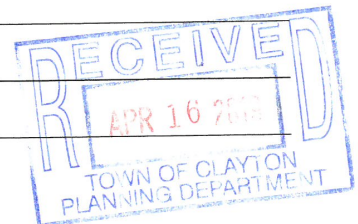
Meeting Summary/Minutes: *provide a summary of the discussion held at the meeting, including issues raised and any resolution discussed, and any changes made to the application as a result of the meeting.*

Opened meeting.

No one showed up.

Closed meeting.

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



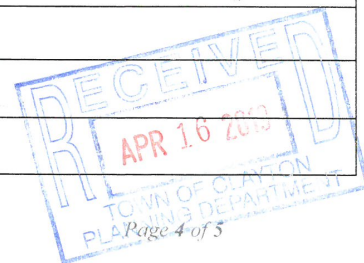
NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Special Use permit

Application: Special use permit for a medical office

Location/Date: April 15, 2019 6:00 PM 112 N. Church St.

	NAME	ADDRESS
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March 2019

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, May 6, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider 2019-71-SUP The Natural Cure, LLC Special Use Permit. The request is to operate a medical office in the Central-Business (B-1) District. The property is located at 112 N. Church St.; PIN # 166913-02-9812.

During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

This is an open meeting and the public is invited to attend.

Damiere Powell, Planner
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:
Wednesday, April 24, 2019
Wednesday, May 1, 2019

Affidavit of publication required.



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

*Town Council
May 6, 2019*

STAFF REPORT

Application Number: 2019-71-SUP

Project Name: The Natural Cure, LLC - Special Use Permit

Tag #: 05015008
Town Limits/ETJ: Town Limits
Overlay: Downtown Overlay District
Applicant: Reem T. Darar – The Natural Cure, LLC
Owner: 112 Church LLC
Location: 112 N. Church Street

Public Noticing:

- Neighborhood meeting held on April 15, 2019
- Sign posted April 11, 2019
- Adjacent Property Letters sent April 11, 2019
- Newspaper Ad published April 24, 2019 and May 1, 2019

REQUEST: A Special Use Permit to operate the use of a medical office on a property that is zoned Central-Business (B-1).

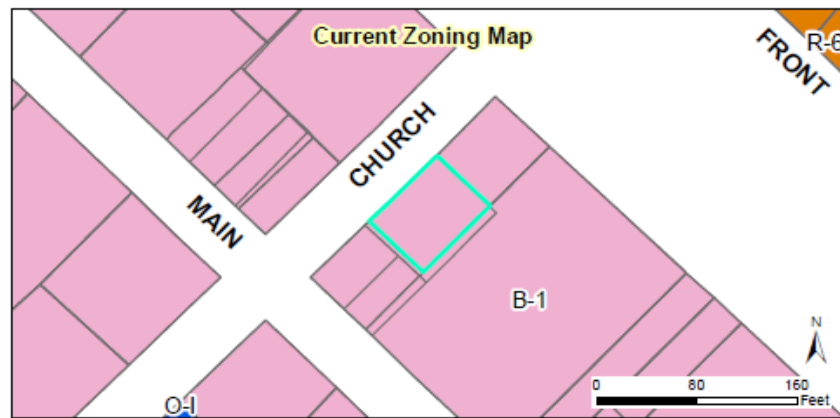


SITE DATA:

Acreage: 0.11 acres
Proposed use: Medical Office

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Central-Business (B-1)	Service, Single-Family Residential
South	Central-Business (B-1)	Restaurant, Commercial, Convenience Store
East	Central-Business (B-1) & Residential-6 (R-6)	Single-Family Residential, Restaurant, Commercial, Service
West	Central-Business (B-1)	Restaurant, Commercial, Service

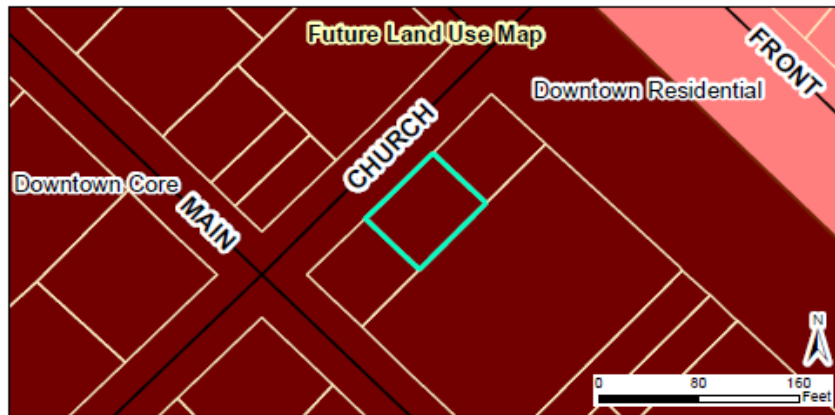
**STAFF ANALYSIS AND COMMENTARY:****Overview**

The applicant is requesting the approval of a Special Use Permit for the use of a medical office at the subject property. The property is currently zoned Central-Business (B-1). Per UDC requirement outlined in the "Use Regulation Table" of section 155.202, the use of a medical office in the Central-Business District requires a Special Use Permit to operate in this district.

Consistency with Adopted Plans

- **Comprehensive Plan 2040**

The future land use map designates this property as "Downtown Core". The proposed plan is consistent with this designation, which allows a mix of uses including office to support the growth of the Downtown Core.



- **Unified Development Code**

The proposed use and Special Use Permit application is consistent with and meets the applicable requirements of the Unified Development Code (UDC). The use of a medical office is permitted in the existing Central-Business (B-1) zoning district via the issuance of a Special Use Permit.

Compatibility with Surrounding Land Uses

The proposed use is a medical office and is compatible with the surrounding land uses, which consist of a mix of office, commercial, service, and residential uses.

FINDINGS OF FACT:

When considering a Special Use Permit application, the Town Council shall consider specific Findings of Fact. These Findings have been addressed by the applicant in the application. These Findings are outlined in Chapter 155.711(l) of the UDC. These applicant's response to these Findings have been outlined below, along with commentary from Staff.

1. That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

Applicant Response: "The application will not endanger the public health or safety if located where proposed and developed as approved."

Staff Commentary: The proposed location of the medical office is within an existing building and does not plan to alter it or the surrounding infrastructure.

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

Applicant Response: "The application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances."

Staff Commentary: The UDC would permit the proposed land use in this zoning district via the issuance of a Special Use Permit. This use is similar to a general office use, which is permitted outright with the existing B-1 zoning district and encouraged in the Downtown Core area that the property is located within. The Town of Clayton Comprehensive Plan 2040 identifies the Downtown Core Future Land Use area as a location designated to foster the inclusion of a mix of uses including office, high-density residential, and a variety of commercial uses.

3. *That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.*

Applicant Response: “The application will not substantially injure the value of adjacent properties, and will not be detrimental the use or development of adjacent properties or other neighborhood uses.”

Staff Commentary: The proposed use is similar to the uses and character of surrounding properties, which primarily include a mix of office and commercial uses.

4. *That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.*

Applicant Response: “The application will not affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.”

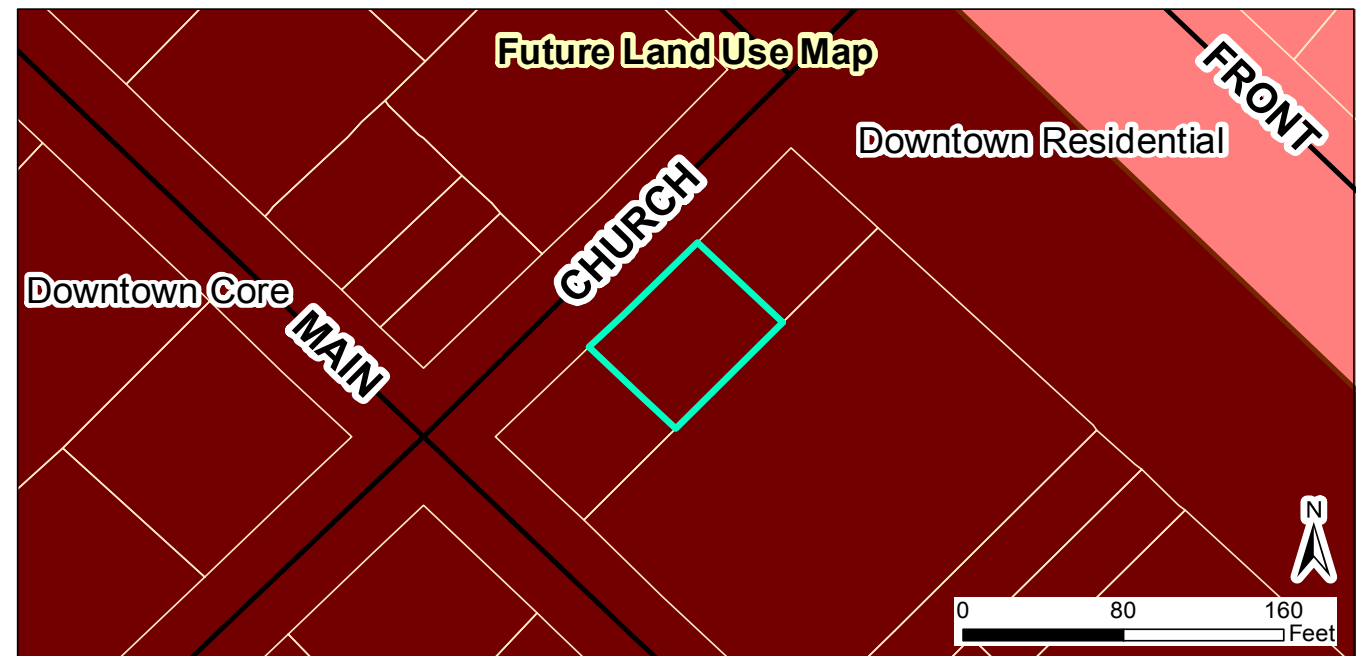
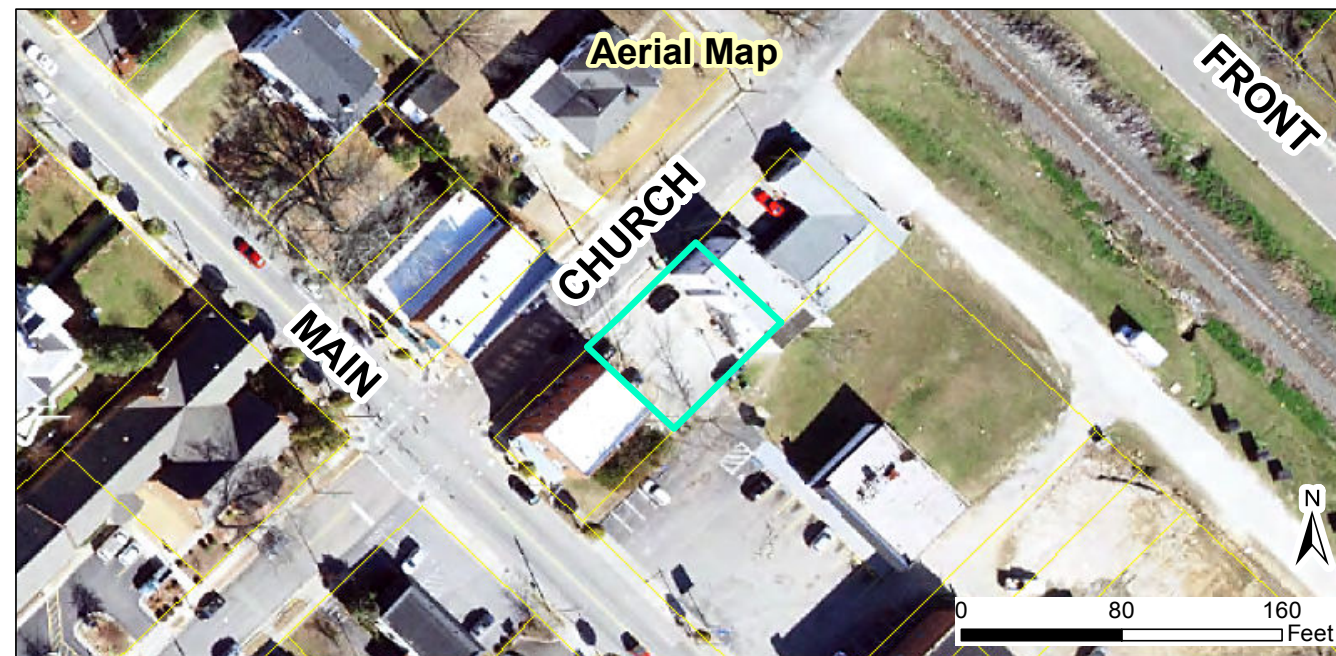
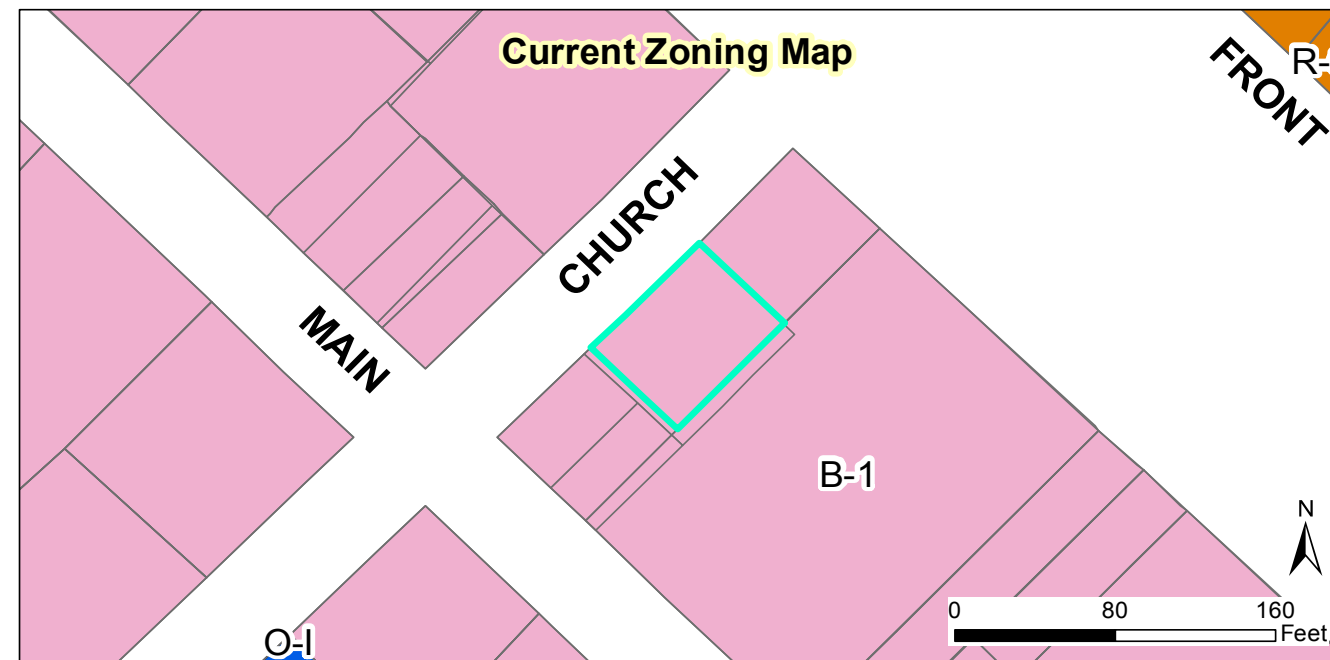
Staff Commentary: The application proposes a medical office use in an existing building with no proposed modifications to the building or surrounding infrastructure. The UDC permits this use in the existing Central-Business District upon approval of a Special Use Permit.

CONSIDERATIONS:

- The Town Council makes a decision regarding Special Use Permits.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Map
- 3) Site Sketch
- 4) Neighborhood Meeting Materials
- 5) Public Notice- Adjacent Property Letter
- 6) Public Notice- Newspaper Ad



Request:
2019-71-SUP - The Natural Cure, LLC SUP to
Operate A Medical Office

Applicant: Reem T. Darar - The Natural Cure, LLC
 Property Owners: 112 Church, LLC
 Parcel ID: 166913-02-9812
 Tag #: 05015008

Staff Report Map



Document Path: O:\PLANNING\SPECIAL USE\2019\2019-71-SUP - The Natural Cure, LLC\Maps\Staff Report Map - 2019-71-SUP - The Natural Cure, LLC SUP.mxd

Legend

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

04/03/2019

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

**Town of Clayton
Town Council
SUP Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to (PICK ONE):

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application _____.

This motion is based on the following findings:

1. The application **WILL NOT** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

OR

The application **WILL** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (State evidence supporting finding.)

2. The application **MEETS** all required specifications and **CONFORMS** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.

OR

The application **DOES NOT MEET** all required specifications and **DOES NOT CONFORM** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

MOTION FORM
Item 6a
2019-71-SUP
The Natural Cure, LLC



3. The application **WILL NOT** substantially injure the value of adjoining or abutting property, and **WILL NOT** be detrimental to the use or development of adjacent properties or other neighborhood uses.

OR

The application **WILL** substantially injure the value of adjoining or abutting property, and **WILL** be detrimental to the use or development of adjacent properties or other neighborhood uses. (State evidence supporting finding).

4. The application **WILL NOT** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

OR

The application **WILL** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties. (State evidence supporting finding.)

[If approved with conditions] The applicant meets the above findings subject to the following conditions:

MOTION FORM
Item 6a
2019-71-SUP
The Natural Cure, LLC



**TOWN OF CLAYTON
SPECIAL USE PERMIT
#2017-71-SUP
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: Reem T. Darar – The Natural Cure, LLC

Property Owner: 112 Church LLC

Property Location: 112 N. Church Street

Brief Property Description: .11 acres

Tax Parcel Number: 05015008

Proposed Use of Property: Medical Office

Hearing Date: May 6, 2019

Having heard all the evidence and argument presented at the hearing, the Town Council makes the following findings:

(1) That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

(2) That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.

(3) That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

(4) That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

TOWN OF CLAYTON

BY: _____
Jody McLeod
Mayor

DATE: _____ [Note:
within 14 days of decision per Code Section
155.702(G)]

ATTEST:

_____(SEAL)
Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

May 6 2019

Agenda Location

Public Hearings

Item Title

2019-22-OA Subdivision Standards (HB436)

Presenter

Samantha Wullenwaber, Planning Director

Summary/Description

The applicant is requesting to make amendments to the text of the Unified Development Code, Title XV, Article 6: Subdivision Standards sections 155.600 and 155.604(D). This amendment seeks to amend the requirements in the Subdivision Standards section of the Unified Development Code. The proposed change is minor in scope and primarily consists of the elimination of language referring to "Acreage" and "Capacity" Fees, as well as the inclusion of language that is consistent with Session Law 2017-138 (HB 436) related to "Water and Sewer System Development Fees." An additional change will require any property within Town limits that develops within 300 linear feet of Town water and/or sewer will be required to extend to the mains to their property and connect to service. These changes are in accordance with updates to Chapters 50 (General Utility Regulations), 51 (Water and Sewer System Extension Policy), and 52 (Sewer Use) of the Town of Clayton's Code of Ordinances.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Ordinance Amendment – Clean Copy
Ordinance Amendment – Strikethrough Copy
Planning Board Motion Sheet
Staff Report
Newspaper Ad

Meeting Timeline

Planning Board – March 25th, 2019
Town Council Hearing – May 6th, 2019



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

ORDINANCE AMENDMENT APPLICATION

Pursuant to Article 7, Section 155.703 of the Unified Development Code, the Town Council, Board of Adjustment, Planning Board, Planning Director, or the general public may petition the Town Council to amend the Code of Ordinances.

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Subdivision Standards Ordinance Amendment

Existing title of Code Section(s): Subdivision Standards

Code Section Number(s): Title XV, Article 6: 155.600 & 155.604(D)

APPLICANT/CONTACT INFORMATION

Applicant: Planning Department, Town of Clayton

Mailing Address: PO Box 879 Clayton, NC 27528

Phone Number: 919-553-5002

Fax: _____

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

Email Address: swullenwaber@townofclaytonnc.org / hhogg@townofclaytonnc.org / dpowell@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

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

Revise the existing subdivision standards to conform with updates to North Carolina's General Statutes. Changes include the elimination of language referring to "Acreage" and "Capacity" Fees and the inclusion of language consistent with Session Law 2017-138 (HB 436) related to "Water and Sewer System Development Fees."

RECEIVED

FOR OFFICE USE ONLY

Date Received: _____

FEB 05 2019

Amount Paid: _____

File Number: _____

2019-22-0A

July 2018

TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 2

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany this application for it to be deemed complete.

To be completed by the applicant:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☒				
2. Review Fee and Advertisement Fee	☒				
3. Completed application	☒				
4. A bound strikethrough/underline copy of the Code section(s) proposed for revision	☒				
5. A bound "clean" copy of the Code section(s) proposed for revision	☒				

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.
The revisions are consistent with the remainder of the chapter.

2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time.
The proposed text amendment is a revision necessitated by an update to North Carolina General Statutes.

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

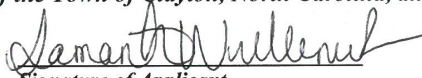
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The proposed text amendment revises the chapter to comply with Chapter 162A of the North Carolina General Statutes.

APPLICANT AFFIDAVIT

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

Samantha Wullenwaber

Print Name



Signature of Applicant

2/4/2019

Date

ARTICLE 6: SUBDIVISION STANDARDS

CONTENTS:

§ 155.600 APPLICABILITY	1
§ 155.601 SEQUENCE OF IMPROVEMENTS	2
§ 155.602 STREETS	3
§ 155.603 LOTS AND BLOCKS	11
§ 155.604 UTILITIES	12
§ 155.605 PUBLIC FACILITIES	15
§ 155.606 PERMANENT REFERENCE POINTS	16
§ 155.607 GUARANTEE OF IMPROVEMENTS	17

§ 155.600 APPLICABILITY

- (A) This subchapter shall apply to all development within the town's planning jurisdiction, unless expressly exempted by the language of the sections below.
- (B) Prior to approval of a final plat for the subdivision of land, the applicant shall have installed improvements specified in this subchapter or guaranteed their installation as provided.
- (C) In accordance with section §51.03 (G), no water or sewer service shall be provided to any property outside of the municipal limits of the town, except upon compliance with one of the following:
 - 1. If the property is contiguous to the municipal limits of the town, the property owners shall immediately petition for and obtain annexation of the property into the municipal limits of the town.
 - 2. If the property is not then contiguous to the municipal limits of the town, the property owners shall enter into a written agreement with the town for the voluntary annexation thereof at such future date as said property.
 - 3. The Town Council may negotiate terms for voluntary annexation of major industrial or commercial tracts which require water and/or sewer system extensions.
- (D) The appropriate water and sewer System Development fees in accordance with § 50.02 of the Town Code of Ordinances, which addresses the water and sewer extension policy.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.601 SEQUENCE OF IMPROVEMENTS

Subdivision improvements shall be installed on the site in the following sequence:

- (A) Street grading and installation of water distribution lines, sanitary sewers, storm sewers, gas, telephone, cable television, and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement.
- (B) Street base material.
- (C) Curb and gutter and sidewalks.
- (D) Street paving.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.602 STREETS

(A) GENERAL

- (1) Streets within the town are intended for multi-purpose use, as follows:
 - (a) To carry motor vehicle traffic, and, in some cases, allow on-street parking;
 - (b) To provide a safe and convenient passageway for pedestrian traffic; and
 - (c) To serve as an important link in the town's drainage system.
- (2) All public streets which serve properties connected to the town's utility system shall be constructed in conformance with town standards and specifications; however, if the roadway is maintained by NCDOT, then the roadway shall be constructed in conformance with either town or NCDOT standards and specifications, whichever is more stringent.
- (3) If the final plat for a residential subdivision outside the town limits but within the town's extraterritorial jurisdiction has been approved and improvements have been guaranteed by the developer in accordance with § 155.607, the applicant shall provide the town and purchasers of land in the subdivision with an agreement providing for adequate maintenance of the newly constructed streets until such time that the streets are taken over by the NCDOT, as required by G.S. § 136-102.6.

(B) STREET IMPROVEMENTS

- (1) Required Improvements
 - (1) The applicant shall be responsible for the cost and installation of the applicable standard residential, residential collector, collector, or commercial street width and pavement design requirements. Paving shall be installed for roadways through and adjoining the development in accordance with town standards and specifications (or NCDOT standards if applicable). The applicant shall also provide additional pavement surfaces for turning lanes in accordance with the town's Engineering Design Manual.
 - (a) The applicant shall be responsible for making improvements to thoroughfare rights-of-way, as designated on the town's Transportation Plan. The improvements to be installed are as follows: the thoroughfare sub-base and surface paving materials, thoroughfare grading, and the remaining standards of applicable minimum residential, residential collector, collector, or commercial streets shall be made to extend to the outer perimeter boundaries of a development for any development where any of the following conditions occur:
 1. The thoroughfare improvements would provide necessary access to the development or adjoining properties.
 2. The improvement would be an extension of an already existing section of thoroughfare roadway.

3. The traffic from the development is predominantly from nonresidential activities and the development would otherwise gain access through a residential area.

(2) **Fee-In-Lieu**

- (a) The town may require a fee-in-lieu of installation payment to the town for minimum residential, residential collector, collector, or commercial streets for the length of the thoroughfare if any of the following criteria are met:
 1. No direct access to the thoroughfare is proposed.
 2. The minimum street improvement is one-half of an existing unimproved right-of-way, and improvements, if constructed, would not be used for traffic circulation.
 3. Where the new thoroughfare right-of-way is only partially contained on the development site and therefore, construction of only a portion of the new street cross-section is possible.
- (b) The Town Council may allow fee-in-lieu of minimum street construction payments to the town for residential, residential collector, collector, or commercial streets if any of the following criteria and their conditions are satisfied:
 1. Where existing unimproved streets have:
 - A. Insufficient lineal footage to serve overall traffic circulation purposes or interrupts an existing swale/ditch storm drainage system with curb and gutter, which would disrupt the drainage system operation;
 - B. Curb and gutter improvements would not connect to existing curb and gutter, or there are no similar improvements on the same block;
 - C. There are no plans for town improvements on the same block; and
 - D. The area is sufficiently developed (75% of the block) such that few future subdivision or site plan submittals are anticipated.
 2. Where construction of the streets by the town or other party is imminent.
 3. Where construction of only a sidewalk is required without street improvements, and the new sidewalk is less than one block in length and would not connect to an existing sidewalk.
 4. Where approved by the Town Council for a new street that traverses a site when:
 - A. Street construction will not connect to an existing improved street;
 - B. There are no plans to construct an adjoining street in the near future; and
 - C. A letter of credit is not an appropriate financial security.

5. Where approved by the Town Council, when for reasons of topography, street construction is impractical due to:
 - A. The need for off-site construction or slope encroachment;
 - B. Proper street alignment should be determined with off-site development; or
 - C. Design of bridges or culverts are required and only a portion of the structure is on the development's property.
- (c) Developments will not be responsible for the cost and installation of any paving construction requirements along existing or planned roadways, if any of the following conditions exist:
 1. The roadway is a freeway, expressway or any other fully controlled access facility.
 2. The roadway is in the town's Capital Improvement Program, final design plans have been initiated, and the project will fall under the assessment policy of the town.
 3. The roadway is on NCDOT's Transportation Improvement Program, final design plans have been initiated, and there will be no town contribution or participation in funding the project. If the town funds a portion of the project, then a fee-in-lieu of installation will be required as a contribution towards town-funded improvements.

(C) **STREET CLASSIFICATION**

In all new subdivisions, streets that are dedicated to public use shall be classified as provided in (D) of this section.

- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day or during the peak hour of the day;
- (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive; and
- (3) Whenever a subdivision street continues on an existing street or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(D) **STREET TYPES**

See Defined Terms (§155.802) for description of each Street Type.

- (1) Residences should not front on a major thoroughfare.

- (2) Where a parcel of land to be subdivided adjoins a major thoroughfare, the Planning Board or Town Council may require that such lots be provided access by a frontage road.

(E) **THOROUGHFARE DEDICATION**

- (1) Whenever a parcel of land included within any proposed development plan embraces any part of a thoroughfare system roadway and is so designated in the town's Transportation Plan, after such part of it has been adopted by the proper authority, such part of such proposed public way shall be platted and dedicated in the location and width indicated on the plans. This requirement shall not require the applicant to dedicate rights-of-way unless indicated on the town's Transportation Plan. It is the responsibility of the applicant to take future roadway plans of the town and the NCDOT into account when laying out a development plan.
- (2) Developments which embrace only one side of an existing or planned thoroughfare right-of-way will only be required to plat and dedicate additional right-of-way for that portion of roadway with which the development has frontage. Such improvements shall be in conformance with town standards and shall be measured from the right-of-way centerline.

(F) **CROSS-SECTIONS**

- (1) Appropriate street cross-sections shall be approved by the town or NCDOT. Appendix A contains approved street cross-sections for the town. Alternative cross-sections may be approved by the Town Council as a waiver (see § 155.706(l)(7)), and when necessary in conjunction with NCDOT.
- (2) Cul-de-sacs shall be used only when it is determined by the Town Council that extension of the street to an adjacent property is impractical or unnecessary. Alternative turnaround designs on residential streets serving six dwelling units or less may be considered on a case-by-case basis. Alternative designs must readily accommodate emergency vehicles and sanitation trucks. Medians may be permitted where the cul-de-sac radius is increased and it can be demonstrated that emergency vehicles and sanitation trucks can be accommodated. Unless specifically agreed upon with the town, landscaped medians are not to be maintained by the town, and a private maintenance agreement for the median shall be required to be approved by the Town Attorney.
- (3) Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum widths specified in Appendix A. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half the required right-of-way, measured from the center line of the existing street, shall be provided where a new subdivision is located on one side of an existing street.
- (4) A slope easement of 20 feet in width may be required adjoining each side of a street right-of-way. The town may reduce or increase the slope easement width, if due to terrain. If the applicant submits to the town sufficient information to show that improvements to be located in the slope easement do not interfere with the right of the public to construct within

the adjoining right-of-way streets, sidewalks, or both, then the town shall allow the proposed improvement.

(G) **CUL-DE-SAC LENGTH**

- (1) No residential street cul-de-sac serving lots of 20,000 square feet or greater in size shall exceed 1,000 feet in length. No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length.
- (2) No commercial street cul-de-sac shall exceed 400 feet in length.

(H) **SIDEWALKS**

- (1) In order to enhance pedestrian safety and mobility, except as set forth below, sidewalks shall be required on both sides of all streets (see Appendix A for approved street cross-sections).
 - (a) Sidewalks shall not be required on the following roadways:
 1. In residential developments with minimum lot sizes one acre or greater, except where an existing school, park, open space, trail or greenway lies within one-quarter-mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is required.
 2. Residential streets serving less than or equal to ten dwelling units. Corner lots that have frontage on both a connective or loop street shall not be included in determining the number of dwelling units served by the street. Street stubs temporarily serving ten lots or less shall provide sidewalks on both sides of the street.
 3. Commercial street cul-de-sacs that are less than 150 feet in length.
 - (b) Sidewalks shall be required on only one side of a frontage road.
- (2) Sidewalk access ramps, also commonly referred to as wheelchair ramps for the physically handicapped, shall be provided at all intersections where curb and gutter are provided (see (I) of this section), and where sidewalks and/or greenway trails intersect any street.
- (3) Pedestrian crosswalks are required on any residential street at each intersection and at any mid-block pedestrian or bicycle connections.
- (4) The Town Council may allow a fee-in-lieu for sidewalk construction as set forth in (B)(2)(b) of this section.

(I) **CURB AND GUTTER**

Unless granted a waiver (see § 155.706(l)(7)) by the Town Council, all public streets, inside the corporate limits of the town and outside the town when water or sewer is connected to the town utility system, shall be constructed with curb and gutter (see Appendix A for approved street cross-sections). Curb and gutter shall be a combination curb and gutter or such other construction approved in the town's Engineering Design Manual. Rolled or valley-type curbs are permitted for new collector, residential collector, and residential streets.

(J) **RELATIONSHIP OF STREETS TO TOPOGRAPHY**

- (1) Streets shall be designed to relate appropriately to the topography of a site. In particular, streets shall be designed to facilitate the storm drainage requirements specified in § 155.604(E) and, subject to the design requirements relating to maximum grades set forth in (J)(2) of this section, street grades shall conform as closely as practicable to the original topography.
- (2) The maximum grade for street construction shall meet design requirements of the town or NCDOT. However, in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director, create a substantial danger to the public safety or cause any substantial degradation to the street or drainage system.

(K) **STREET LAYOUT**

- (1) The street layout of any development should be in conformity with the town's Transportation Plan and all other applicable adopted plans and policies of the town. Public streets shall be constructed to the boundary lines of the development submitted for approval when required to provide for efficient circulation of traffic within the community.
- (2) Each side of a collector street, commercial street or residential street shall, within every 1,500 foot length of the street, be intersected by at least one connective street. The 1,500 foot length shall be measured from the origination point, if established, of the collector, commercial, residential or residential street.
- (3) A waiver (see § 155.706(l)(7)) may be granted by the Town Council for developments that do not meet the above layout or creates a violation of this layout if:
 - (a) Existing surrounding development prevents extending a street to any adjoining developments to meet this regulation.
 - (b) The adjoining existing street pattern or a planned "stub" street provides for an appropriate intersecting street beyond the 1,500-foot point, that would provide equivalent benefits as an intersecting street within 1,500 feet.
 - (c) Severe topography or other physical features warrant making a connection of an intersecting street at another location either inside or outside the development to provide equivalent benefits as an intersecting street within a distance of 1,500 feet, and this other alternate specific location is provided for at the time the development making the request for an alternate location is approved.

- (4) Existing adjoining public streets, public platted streets, and publicly planned streets shall be continued and extended as public streets as part of the development. Streets that are not to be extended, as determined by the Town Council, shall be terminated in a permanent cul-de-sac.
- (5) Where a proposed development will extend a public street that is already stubbed out to the property line, such extension as a public street shall be required.
- (6) Wherever there exists a dedicated or platted half street adjacent to the parcel to be developed, the other half shall be platted and, where required, constructed.
- (7) Where a through street or a series of streets establishes a connection between two public streets and the connection is greater than 1,200 feet in length, or the connection may encourage through traffic not generated by the development, the street shall be a public street, except in instances where the Town Council determines that requiring such connection to be a public street will serve no purpose, due to the existing or proposed street pattern, traffic flow or traffic volumes.
- (8) Where a proposed development utilizing private streets has an area of 20 or more acres, at least one public through street must be provided in a location determined by the Town Council to assure continuity of the public street system, except in instances where the Town Council determines that such public through street will serve no purpose due to the existing or proposed street pattern, traffic flow or traffic volume. The Town Council may also require additional public through streets for the provision of emergency services, such as police and fire protection, or to provide alternate circulation at congested or critical intersections.

(L) **CONSTRUCTION STANDARDS AND SPECIFICATIONS**

All streets and sidewalks required by this section shall be constructed according to the specifications of the town's Engineering Design Manual, except that the Town Council may permit sidewalks to be constructed with other materials when they conclude that:

- (1) Such sidewalks would serve the residents of the development as adequately as concrete sidewalks;
- (2) Such sidewalks would be more environmentally desirable or more in keeping with the overall design of the development; or
- (3) Such sidewalks could be maintained as adequately as concrete sidewalks.

(M) **PRIVATE STREETS**

- (1) All private streets shall be constructed according to the town's public street construction standards. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets. The town shall have the discretion to require a public street connection for safety or access purposes.

- (2) The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street. Further, the initial purchasers of a newly-created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street, in accordance with the requirements set forth in G.S. § 136-102.6.
- (3) All private streets shall be maintained by a designated responsible party in accordance with town standards.
- (4) Where private streets are later made public through dedication to the town, such streets shall be brought up to public construction and maintenance standards, prior to their acceptance by the town.

(N) **STREET NAMES AND SIGNS**

- (1) Street names shall be subject to the approval of the Town Council. New street names shall not duplicate or be similar to existing street names in Johnston County. Existing street names, however, shall be projected where appropriate.
- (2) Street name signs shall be in place prior to approval of any certificate of occupancy for structures to be located on the street.

(Ord. 2005-11-02, passed 11-21-05; (Ord. 2016-04-04, adopted 2016-04-04)

§ 155.603 LOTS AND BLOCKS

(A) LOTS

- (1) Every lot shall abut or front on a public street.
- (2) Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding areas. All lots approved after January 6, 1997 shall contain the minimum required lot width of the applicable zoning district within 50 feet of the street right-of-way adjoining the front yard.
- (3) Double frontage lots shall be avoided, except when lots adjoin a thoroughfare and access is desirable by a street of residential scale, and discouraged or prohibited on the thoroughfare.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.

(B) BLOCKS

- (1) Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
- (2) Blocks shall not exceed 1,500 feet in length.
- (3) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
- (4) A pedestrian connection not less than ten feet in width may be required near the center and entirely across any block in excess of 900 feet in length to provide adequate access to schools, shopping centers, churches, or transportation facilities.
- (5) A pedestrian connection through a cul-de-sac not less than ten feet in width may be required when the cul-de-sac helps provide adequate access to schools, shopping centers, churches, or transportation facilities.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.604 UTILITIES

(A) EASEMENTS

- (1) Utility easements shall be at least 20 feet wide, and shall run along side or rear lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the minimum 20-foot wide easement.
- (2) Where a subdivision is traversed by a water-course, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way, conforming substantially with the lines of such watercourses, and of such further width or construction, or both, as will be adequate for the purpose. Lakes, ponds, watercourses, and the land immediately adjacent thereto shall be considered for maintenance by the town only if sufficient land is dedicated as a public recreation area or park, or if such area constitutes a necessary part of the drainage control system. The town reserves the right to reject any intended dedications.

(B) OWNERSHIP OF UTILITIES

All water, sanitary sewerage, electrical (when in town's service area) and storm drainage facilities installed under the requirements of this chapter shall become the sole property of the town upon acceptance. A deed to the town for such facilities, including easements pertaining to right-of-way entrance for maintenance, shall be executed prior to connections to the respective municipal systems.

(C) REQUIRED ADDITIONAL CAPACITY

Where the Town Council deems it necessary, in the interest of the health, safety and general welfare of the residents of the town and its extraterritorial jurisdiction, the applicant shall make certain improvements at sizes in excess of those which would normally be required to serve only the applicant's subdivision. Where oversized improvements are required, the town shall reimburse the applicant for the cost of materials incurred over and above those required to serve the applicant's subdivision. Such reimbursement shall be mutually agreed upon.

(D) WATER DISTRIBUTION LINES AND SANITARY SEWERS

- (1) Each lot in all subdivisions within the town's corporate limits, and each lot in all subdivisions in the extraterritorial jurisdiction within 300 feet of the town's water and/or sanitary sewer system shall be connected at the applicant's expense to the town's water and/or sewer system. In accordance with § 51.03 (A) of the Town Code of Ordinances, each developer of land shall be responsible for providing water and sewer line connections and all necessary pump stations, lift stations, and fire hydrants between their property and the town systems. In accordance with § 50.02 of the Town Code of Ordinances, the applicant shall pay water and sewer System Development fees for all property to be served by a connection to the town's water and/or sanitary sewer system.

- (2) Where a subdivision, in the extraterritorial jurisdiction lies more than 300 feet from the municipal water and/or sewer system, the applicant may, at the applicant's expense, connect the subdivision lots to the town's water and/or sanitary sewer system. In accordance with section § 51.20 (A) of the Town Code of Ordinances, any property owner or developer desiring to have water or sanitary sewer services extended to and along any public street or other area where no water or sanitary sewer main exists shall apply to the Town Manager, or designee, in writing requesting a specific daily allocation for such services. If the applicant provides a community water and/or sewer system, rather than connecting to the municipal system, or provides individual wells and/or septic tanks, the materials, design, and installation shall be made in accordance with all applicable state and Johnston County specifications and standards.
 - (3) In accordance with section § 51.03(D) of the Town Code of Ordinances, the minimum diameter of a water main shall be six inches and the minimum diameter for a sewer main shall be eight inches. All sewer mains shall be installed at a maximum depth to ensure service to as large an area as possible. Water distribution lines shall be no smaller in size than six inches nominal diameter, with the following exception: On cul-de-sacs which are served by fire hydrants at their intersection with a local street, and the hydrant is connected to a water line of six inches nominal diameter, or larger, water service may be provided with lines smaller than six inches if a blow-off valve is established at the end of such line, or the line is connected to another line within the subdivision to form a loop. This exception shall not apply where such line represents the interconnection between the subdivision and the municipal system. On streets which are "stubbed out" at property lines to permit future development, service must be provided by lines of at least six inches nominal diameter.
 - (4) In accordance with section § 155.301(F)(6)(a) and Title V of the Town Code of Ordinances, an accessible, adequate, safe supply of water and sewer shall be provided in each manufactured home park.
 - (5) For the purpose of this section, the term "water system" shall include all appurtenances and fixtures normally associated with such facilities, including fire hydrants, gate valves, blow-offs, manholes, and pumping apparatus, but shall not include individual service meters, which shall be installed by the town; the aforementioned appurtenances and fixtures shall comply with the specifications and standards of the town.
- (E) **STORM DRAINAGE**
- (1) The applicant shall provide an adequate drainage system for the proper drainage of all surface water in order to protect the proposed development from water damage. The design of such system shall be subject to the approval of the Town Council.
 - (2) No surface water shall be channeled or directed into a sanitary sewer.
 - (3) Where feasible, the applicant shall connect to the municipal storm drainage system.
 - (4) Where the municipal storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to complement surface drainage systems to surrounding properties.

- (5) Cross pipes under streets and driveways shall be concrete, reinforced concrete, or other pipe, as approved by the Town Manager. All such cross pipes shall be a minimum of 15 inches in diameter.
 - (6) Surface drainage courses shall have side slopes of at least one foot of horizontal distance for each foot of vertical distance.
 - (7) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of approximately one foot in each 300 feet of horizontal distance.
- (F) **ELECTRICAL UTILITIES**

Electrical improvements in accordance with town or progress energy standards, whichever is applicable, shall be required in all subdivisions.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.605 PUBLIC FACILITIES

(A) SCHOOL SITES

- (1) When a subdivision plat is submitted for approval, in which, according to the land use or land development plan, a school site should be reserved, the Planning Director shall notify the County Board of Education that the subdivision has been submitted for approval, and that under this chapter, a school site may be reserved therein.
- (2) In reviewing the subdivision and giving approval the Planning Director shall consult the Board of Education in determining the exact size and location of any school site to be reserved therein.
- (3) Before the final plat of the subdivision is approved, the Board of Education shall determine whether or not it wishes to have a school site reserved in the subdivision. If the Board of Education does wish to have a school site reserved in the subdivision, the subdivision as finally approved shall reserve a school site of a size and location agreeable to the Board of Education and to the Planning Board. The Board of Education shall then have 18 months, beginning on the date of the final approval of the subdivision, within which to acquire the site. If the Board of Education has not purchased or begun proceedings to acquire the site within 18 months after the subdivision is finally approved, the applicant may proceed to dispose of it in accordance with the subdivision procedure and provisions of this chapter.

(B) RECREATION AND OPEN SPACE

The minimum recreation and open space requirements for conventional and open space residential subdivisions are set forth in § 155.203(h).

(Ord. 2005-11-02, passed 11-21-05)

§ 155.606 PERMANENT REFERENCE POINTS

Prior to the approval of the final plat, iron stakes shall be installed on all corners of the subdivision and at additional points in the subdivision, so that no point within the subdivision lies more than 500 feet from a monument. In addition, two or more control points shall be designated on the final plat.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.607 GUARANTEE OF IMPROVEMENTS

(A) GENERAL

- (1) No final plat will be accepted for review by the Technical Review Committee unless accompanied by written notice by the Planning Director, acknowledging compliance with (B) and (C) of this section.
- (2) If the subdivision is to be phased or developed in sections, the Planning Director shall withhold final plat approval for the most recent phase until improvements in prior stages have been completed or guaranteed.

(B) PERFORMANCE GUARANTEES

In lieu of prior construction of the improvements required by this subchapter, the town shall, for the purpose of approving a final plat, accept a guarantee from the applicant that such improvements will be carried out according to the town's specifications at the applicant's expense. Such guarantee may be in the form of a performance bond, letter of credit, or certified check drawn in favor of the town or cash deposited with the town. Such guarantee shall be in an amount of not less than 125% or more than 150% of the estimated cost of the construction of the required improvements. This amount shall be determined by the Town Public Works Director. Performance guarantees shall run for a period of one year upon written approval of the Town Council.

(C) PERFORMANCE BOND

The town shall require a bond guaranteeing: street improvements, curbs, gutters, drainage facilities, sidewalks, electrical facilities, water and sewer lines and taps and all other improvements against defects for one year from the date of final acceptance by the town. This bond shall be in the amount determined by the Town Public Works Director or designee, and shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in North Carolina.

(D) TOWN'S RIGHT OF INSPECTION AND ACCEPTANCE

- (1) Whether the required improvements are performed prior to or following approval of the final plat, the applicant shall grant to the town and its assignees authority to inspect all construction of the required improvements, and moreover, shall advise the town at least two days in advance of beginning work on any of the various improvements. However, such right of inspection shall not constitute duty to inspect, nor shall it guarantee final acceptance by the town of any required improvements.
- (2) If improvements are guaranteed by a bond or cash deposit, failure by the applicant to perform the work to the town's standards shall free the town, at the discretion of the Town Council, to liquidate the bond or cash deposit, in order to finance the necessary repairs. This provision shall extend through the one-year warranty period. The town will provide the applicant with a written notice of its intent to carry out this provision at least two weeks prior to such liquidations, and shall also provide the applicant during this period a hearing at a regularly scheduled meeting of the Town Council.

- (3) The town's final acceptance of required improvements in the event of their construction following final plat approval shall be evidenced by a written letter from the Town Manager as specifically authorized by the Town Council.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07)

ARTICLE 6: SUBDIVISION STANDARDS

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§ 155.600 APPLICABILITY

- (A) This subchapter shall apply to all development within the town's planning jurisdiction, unless expressly exempted by the language of the sections below.
- (B) Prior to approval of a final plat for the subdivision of land, the applicant shall have installed improvements specified in this subchapter or guaranteed their installation as provided.
- (C) ~~No municipal services or utilities shall be extended or furnished to any subdivision either within or outside the town until the applicant shall have installed the improvements specified in this subchapter or guaranteed their installation as provided.~~ In accordance with section §51.03 (G), no water or sewer service shall be provided to any property outside of the municipal limits of the town, except upon compliance with one of the following:
1. If the property is contiguous to the municipal limits of the town, the property owners shall immediately petition for and obtain annexation of the property into the municipal limits of the town.
 2. If the property is not then contiguous to the municipal limits of the town, the property owners shall enter into a written agreement with the town for the voluntary annexation thereof at such future date as said property.
 3. The Town Council may negotiate terms for voluntary annexation of major industrial or commercial tracts which require water and/or sewer system extensions.
- (D) The appropriate ~~acreage~~ water and sewer System Development fees in accordance with § 50.02 of the ~~town~~ Town ~~Code of Ordinances~~, which addresses the water and sewer extension policy, ~~shall be collected by the town prior to permission being granted to connect lines serving the property to the town's facilities.~~

(Ord. 2005-11-02, passed 11-21-05)

§ 155.601 SEQUENCE OF IMPROVEMENTS

Subdivision improvements shall be installed on the site in the following sequence:

- (A) Street grading and installation of water distribution lines, sanitary sewers, storm sewers, gas, telephone, cable television, and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement.
- (B) Street base material.
- (C) Curb and gutter and sidewalks.
- (D) Street paving.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.602 STREETS

(A) GENERAL

- (1) Streets within the town are intended for multi-purpose use, as follows:
 - (a) To carry motor vehicle traffic, and, in some cases, allow on-street parking;
 - (b) To provide a safe and convenient passageway for pedestrian traffic; and
 - (c) To serve as an important link in the town's drainage system.
- (2) All public streets which serve properties connected to the town's utility system shall be constructed in conformance with town standards and specifications; however, if the roadway is maintained by NCDOT, then the roadway shall be constructed in conformance with either town or NCDOT standards and specifications, whichever is more stringent.
- (3) If the final plat for a residential subdivision outside the town limits but within the town's extraterritorial jurisdiction has been approved and improvements have been guaranteed by the developer in accordance with § 155.607, the applicant shall provide the town and purchasers of land in the subdivision with an agreement providing for adequate maintenance of the newly constructed streets until such time that the streets are taken over by the NCDOT, as required by G.S. § 136-102.6.

(B) STREET IMPROVEMENTS

- (1) Required Improvements
 - (1) The applicant shall be responsible for the cost and installation of the applicable standard residential, residential collector, collector, or commercial street width and pavement design requirements. Paving shall be installed for roadways through and adjoining the development in accordance with town standards and specifications (or NCDOT standards if applicable). The applicant shall also provide additional pavement surfaces for turning lanes in accordance with the town's Engineering Design Manual.
 - (a) The applicant shall be responsible for making improvements to thoroughfare rights-of-way, as designated on the town's Transportation Plan. The improvements to be installed are as follows: the thoroughfare sub-base and surface paving materials, thoroughfare grading, and the remaining standards of applicable minimum residential, residential collector, collector, or commercial streets shall be made to extend to the outer perimeter boundaries of a development for any development where any of the following conditions occur:
 1. The thoroughfare improvements would provide necessary access to the development or adjoining properties.
 2. The improvement would be an extension of an already existing section of thoroughfare roadway.

3. The traffic from the development is predominantly from nonresidential activities and the development would otherwise gain access through a residential area.

(2) **Fee-In-Lieu**

- (a) The town may require a fee-in-lieu of installation payment to the town for minimum residential, residential collector, collector, or commercial streets for the length of the thoroughfare if any of the following criteria are met:
 1. No direct access to the thoroughfare is proposed.
 2. The minimum street improvement is one-half of an existing unimproved right-of-way, and improvements, if constructed, would not be used for traffic circulation.
 3. Where the new thoroughfare right-of-way is only partially contained on the development site and therefore, construction of only a portion of the new street cross-section is possible.
- (b) The Town Council may allow fee-in-lieu of minimum street construction payments to the town for residential, residential collector, collector, or commercial streets if any of the following criteria and their conditions are satisfied:
 1. Where existing unimproved streets have:
 - A. Insufficient lineal footage to serve overall traffic circulation purposes or interrupts an existing swale/ditch storm drainage system with curb and gutter, which would disrupt the drainage system operation;
 - B. Curb and gutter improvements would not connect to existing curb and gutter, or there are no similar improvements on the same block;
 - C. There are no plans for town improvements on the same block; and
 - D. The area is sufficiently developed (75% of the block) such that few future subdivision or site plan submittals are anticipated.
 2. Where construction of the streets by the town or other party is imminent.
 3. Where construction of only a sidewalk is required without street improvements, and the new sidewalk is less than one block in length and would not connect to an existing sidewalk.
 4. Where approved by the Town Council for a new street that traverses a site when:
 - A. Street construction will not connect to an existing improved street;
 - B. There are no plans to construct an adjoining street in the near future; and
 - C. A letter of credit is not an appropriate financial security.

5. Where approved by the Town Council, when for reasons of topography, street construction is impractical due to:
 - A. The need for off-site construction or slope encroachment;
 - B. Proper street alignment should be determined with off-site development; or
 - C. Design of bridges or culverts are required and only a portion of the structure is on the development's property.
- (c) Developments will not be responsible for the cost and installation of any paving construction requirements along existing or planned roadways, if any of the following conditions exist:
 1. The roadway is a freeway, expressway or any other fully controlled access facility.
 2. The roadway is in the town's Capital Improvement Program, final design plans have been initiated, and the project will fall under the assessment policy of the town.
 3. The roadway is on NCDOT's Transportation Improvement Program, final design plans have been initiated, and there will be no town contribution or participation in funding the project. If the town funds a portion of the project, then a fee-in-lieu of installation will be required as a contribution towards town-funded improvements.

(C) **STREET CLASSIFICATION**

In all new subdivisions, streets that are dedicated to public use shall be classified as provided in (D) of this section.

- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day or during the peak hour of the day;
- (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive; and
- (3) Whenever a subdivision street continues on an existing street or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(D) **STREET TYPES**

See Defined Terms (§155.802) for description of each Street Type.

- (1) Residences should not front on a major thoroughfare.

- (2) Where a parcel of land to be subdivided adjoins a major thoroughfare, the Planning Board or Town Council may require that such lots be provided access by a frontage road.

(E) **THOROUGHFARE DEDICATION**

- (1) Whenever a parcel of land included within any proposed development plan embraces any part of a thoroughfare system roadway and is so designated in the town's Transportation Plan, after such part of it has been adopted by the proper authority, such part of such proposed public way shall be platted and dedicated in the location and width indicated on the plans. This requirement shall not require the applicant to dedicate rights-of-way unless indicated on the town's Transportation Plan. It is the responsibility of the applicant to take future roadway plans of the town and the NCDOT into account when laying out a development plan.
- (2) Developments which embrace only one side of an existing or planned thoroughfare right-of-way will only be required to plat and dedicate additional right-of-way for that portion of roadway with which the development has frontage. Such improvements shall be in conformance with town standards and shall be measured from the right-of-way centerline.

(F) **CROSS-SECTIONS**

- (1) Appropriate street cross-sections shall be approved by the town or NCDOT. Appendix A contains approved street cross-sections for the town. Alternative cross-sections may be approved by the Town Council as a waiver (see § 155.706(l)(7)), and when necessary in conjunction with NCDOT.
- (2) Cul-de-sacs shall be used only when it is determined by the Town Council that extension of the street to an adjacent property is impractical or unnecessary. Alternative turnaround designs on residential streets serving six dwelling units or less may be considered on a case-by-case basis. Alternative designs must readily accommodate emergency vehicles and sanitation trucks. Medians may be permitted where the cul-de-sac radius is increased and it can be demonstrated that emergency vehicles and sanitation trucks can be accommodated. Unless specifically agreed upon with the town, landscaped medians are not to be maintained by the town, and a private maintenance agreement for the median shall be required to be approved by the Town Attorney.
- (3) Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum widths specified in Appendix A. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half the required right-of-way, measured from the center line of the existing street, shall be provided where a new subdivision is located on one side of an existing street.
- (4) A slope easement of 20 feet in width may be required adjoining each side of a street right-of-way. The town may reduce or increase the slope easement width, if due to terrain. If the applicant submits to the town sufficient information to show that improvements to be located in the slope easement do not interfere with the right of the public to construct within

the adjoining right-of-way streets, sidewalks, or both, then the town shall allow the proposed improvement.

(G) **CUL-DE-SAC LENGTH**

- (1) No residential street cul-de-sac serving lots of 20,000 square feet or greater in size shall exceed 1,000 feet in length. No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length.
- (2) No commercial street cul-de-sac shall exceed 400 feet in length.

(H) **SIDEWALKS**

- (1) In order to enhance pedestrian safety and mobility, except as set forth below, sidewalks shall be required on both sides of all streets (see Appendix A for approved street cross-sections).
 - (a) Sidewalks shall not be required on the following roadways:
 1. In residential developments with minimum lot sizes one acre or greater, except where an existing school, park, open space, trail or greenway lies within one-quarter-mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is required.
 2. Residential streets serving less than or equal to ten dwelling units. Corner lots that have frontage on both a connective or loop street shall not be included in determining the number of dwelling units served by the street. Street stubs temporarily serving ten lots or less shall provide sidewalks on both sides of the street.
 3. Commercial street cul-de-sacs that are less than 150 feet in length.
 - (b) Sidewalks shall be required on only one side of a frontage road.
- (2) Sidewalk access ramps, also commonly referred to as wheelchair ramps for the physically handicapped, shall be provided at all intersections where curb and gutter are provided (see (I) of this section), and where sidewalks and/or greenway trails intersect any street.
- (3) Pedestrian crosswalks are required on any residential street at each intersection and at any mid-block pedestrian or bicycle connections.
- (4) The Town Council may allow a fee-in-lieu for sidewalk construction as set forth in (B)(2)(b) of this section.

(I) **CURB AND GUTTER**

Unless granted a waiver (see § 155.706(l)(7)) by the Town Council, all public streets, inside the corporate limits of the town and outside the town when water or sewer is connected to the town utility system, shall be constructed with curb and gutter (see Appendix A for approved street cross-sections). Curb and gutter shall be a combination curb and gutter or such other construction approved in the town's Engineering Design Manual. Rolled or valley-type curbs are permitted for new collector, residential collector, and residential streets.

(J) **RELATIONSHIP OF STREETS TO TOPOGRAPHY**

- (1) Streets shall be designed to relate appropriately to the topography of a site. In particular, streets shall be designed to facilitate the storm drainage requirements specified in § 155.604(E) and, subject to the design requirements relating to maximum grades set forth in (J)(2) of this section, street grades shall conform as closely as practicable to the original topography.
- (2) The maximum grade for street construction shall meet design requirements of the town or NCDOT. However, in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director, create a substantial danger to the public safety or cause any substantial degradation to the street or drainage system.

(K) **STREET LAYOUT**

- (1) The street layout of any development should be in conformity with the town's Transportation Plan and all other applicable adopted plans and policies of the town. Public streets shall be constructed to the boundary lines of the development submitted for approval when required to provide for efficient circulation of traffic within the community.
- (2) Each side of a collector street, commercial street or residential street shall, within every 1,500 foot length of the street, be intersected by at least one connective street. The 1,500 foot length shall be measured from the origination point, if established, of the collector, commercial, residential or residential street.
- (3) A waiver (see § 155.706(l)(7)) may be granted by the Town Council for developments that do not meet the above layout or creates a violation of this layout if:
 - (a) Existing surrounding development prevents extending a street to any adjoining developments to meet this regulation.
 - (b) The adjoining existing street pattern or a planned "stub" street provides for an appropriate intersecting street beyond the 1,500-foot point, that would provide equivalent benefits as an intersecting street within 1,500 feet.
 - (c) Severe topography or other physical features warrant making a connection of an intersecting street at another location either inside or outside the development to provide equivalent benefits as an intersecting street within a distance of 1,500 feet, and this other alternate specific location is provided for at the time the development making the request for an alternate location is approved.

- (4) Existing adjoining public streets, public platted streets, and publicly planned streets shall be continued and extended as public streets as part of the development. Streets that are not to be extended, as determined by the Town Council, shall be terminated in a permanent cul-de-sac.
- (5) Where a proposed development will extend a public street that is already stubbed out to the property line, such extension as a public street shall be required.
- (6) Wherever there exists a dedicated or platted half street adjacent to the parcel to be developed, the other half shall be platted and, where required, constructed.
- (7) Where a through street or a series of streets establishes a connection between two public streets and the connection is greater than 1,200 feet in length, or the connection may encourage through traffic not generated by the development, the street shall be a public street, except in instances where the Town Council determines that requiring such connection to be a public street will serve no purpose, due to the existing or proposed street pattern, traffic flow or traffic volumes.
- (8) Where a proposed development utilizing private streets has an area of 20 or more acres, at least one public through street must be provided in a location determined by the Town Council to assure continuity of the public street system, except in instances where the Town Council determines that such public through street will serve no purpose due to the existing or proposed street pattern, traffic flow or traffic volume. The Town Council may also require additional public through streets for the provision of emergency services, such as police and fire protection, or to provide alternate circulation at congested or critical intersections.

(L) **CONSTRUCTION STANDARDS AND SPECIFICATIONS**

All streets and sidewalks required by this section shall be constructed according to the specifications of the town's Engineering Design Manual, except that the Town Council may permit sidewalks to be constructed with other materials when they conclude that:

- (1) Such sidewalks would serve the residents of the development as adequately as concrete sidewalks;
- (2) Such sidewalks would be more environmentally desirable or more in keeping with the overall design of the development; or
- (3) Such sidewalks could be maintained as adequately as concrete sidewalks.

(M) **PRIVATE STREETS**

- (1) All private streets shall be constructed according to the town's public street construction standards. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets. The town shall have the discretion to require a public street connection for safety or access purposes.

- (2) The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street. Further, the initial purchasers of a newly-created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street, in accordance with the requirements set forth in G.S. § 136-102.6.
- (3) All private streets shall be maintained by a designated responsible party in accordance with town standards.
- (4) Where private streets are later made public through dedication to the town, such streets shall be brought up to public construction and maintenance standards, prior to their acceptance by the town.

(N) **STREET NAMES AND SIGNS**

- (1) Street names shall be subject to the approval of the Town Council. New street names shall not duplicate or be similar to existing street names in Johnston County. Existing street names, however, shall be projected where appropriate.
- (2) Street name signs shall be in place prior to approval of any certificate of occupancy for structures to be located on the street.

(Ord. 2005-11-02, passed 11-21-05; (Ord. 2016-04-04, adopted 2016-04-04)

§ 155.603 LOTS AND BLOCKS

(A) LOTS

- (1) Every lot shall abut or front on a public street.
- (2) Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding areas. All lots approved after January 6, 1997 shall contain the minimum required lot width of the applicable zoning district within 50 feet of the street right-of-way adjoining the front yard.
- (3) Double frontage lots shall be avoided, except when lots adjoin a thoroughfare and access is desirable by a street of residential scale, and discouraged or prohibited on the thoroughfare.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.

(B) BLOCKS

- (1) Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
- (2) Blocks shall not exceed 1,500 feet in length.
- (3) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
- (4) A pedestrian connection not less than ten feet in width may be required near the center and entirely across any block in excess of 900 feet in length to provide adequate access to schools, shopping centers, churches, or transportation facilities.
- (5) A pedestrian connection through a cul-de-sac not less than ten feet in width may be required when the cul-de-sac helps provide adequate access to schools, shopping centers, churches, or transportation facilities.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.604 UTILITIES

(A) EASEMENTS

- (1) Utility easements shall be at least 20 feet wide, and shall run along side or rear lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the minimum 20-foot wide easement.
- (2) Where a subdivision is traversed by a water-course, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way, conforming substantially with the lines of such watercourses, and of such further width or construction, or both, as will be adequate for the purpose. Lakes, ponds, watercourses, and the land immediately adjacent thereto shall be considered for maintenance by the town only if sufficient land is dedicated as a public recreation area or park, or if such area constitutes a necessary part of the drainage control system. The town reserves the right to reject any intended dedications.

(B) OWNERSHIP OF UTILITIES

All water, sanitary sewerage, electrical (when in town's service area) and storm drainage facilities installed under the requirements of this chapter shall become the sole property of the town upon acceptance. A deed to the town for such facilities, including easements pertaining to right-of-way entrance for maintenance, shall be executed prior to connections to the respective municipal systems.

(C) REQUIRED ADDITIONAL CAPACITY

Where the Town Council deems it necessary, in the interest of the health, safety and general welfare of the residents of the town and its extraterritorial jurisdiction, the applicant shall make certain improvements at sizes in excess of those which would normally be required to serve only the applicant's subdivision. Where oversized improvements are required, the town shall reimburse the applicant for the cost of materials incurred over and above those required to serve the applicant's subdivision. Such reimbursement shall be mutually agreed upon.

(D) WATER DISTRIBUTION LINES AND SANITARY SEWERS

- (1) Each lot in all subdivisions within the town's corporate limits, and each lot in all subdivisions in the extraterritorial jurisdiction within ~~500~~300 feet of the town's water and/or sanitary sewer system shall be connected at the applicant's expense to the town's water and/or sewer system. In accordance with § 51.03 (A) of the Town Code of Ordinances, each developer of land shall be responsible for providing water and sewer line connections and all necessary pump stations, lift stations, and fire hydrants between their property and the town systems. In accordance with § 50.02 of the Town Code of Ordinances, the applicant shall pay ~~an acreage~~ water and sewer System Development fees for all property to be served by a connection to the town's water and/or sanitary sewer system.

- (2) Where a subdivision, in the extraterritorial jurisdiction lies more than ~~500~~300 feet from the municipal water and/or sewer system, the applicant may, at the applicant's expense, connect the subdivision lots to the town's water and/or sanitary sewer system. In accordance with section § 51.20 (A) of the Town Code of Ordinances, any property owner or developer desiring to have water or sanitary sewer services extended to and along any public street or other area where no water or sanitary sewer main exists shall apply to the Town Manager, or designee, in writing requesting a specific daily allocation for such services. If the applicant provides a community water and/or sewer system, rather than connecting to the municipal system, or provides individual wells and/or septic tanks, the materials, design, and installation shall be made in accordance with all applicable state and Johnston County specifications and standards.
- (3) ~~Sanitary sewers shall be no smaller in size than eight inches nominal diameter. In accordance with section § 51.03(D) of the Town Code of Ordinances, the minimum diameter of a water main shall be six inches and the minimum diameter for a sewer main shall be eight inches. All sewer mains shall be installed at a maximum depth to ensure service to as large an area as possible.~~ Water distribution lines shall be no smaller in size than six inches nominal diameter, with the following exception: On cul-de-sacs which are served by fire hydrants at their intersection with a local street, and the hydrant is connected to a water line of six inches nominal diameter, or larger, water service may be provided with lines smaller than six inches if a blow-off valve is established at the end of such line, or the line is connected to another line within the subdivision to form a loop. This exception shall not apply where such line represents the interconnection between the subdivision and the municipal system. On streets which are "stubbed out" at property lines to permit future development, service must be provided by lines of at least six inches nominal diameter.
- (4) ~~Water systems in the extraterritorial jurisdiction not connected to the town water system need not provide fire hydrants. However, such systems shall be designed for future fire flows so that when tied in with the town system in the future, adequate flow for fire fighting will be available to every lot in the subdivision. In accordance with section § 155.301(F)(6)(a) and Title V of the Town Code of Ordinances, an accessible, adequate, safe supply of water and sewer shall be provided in each manufactured home park. This provision will require that the main lines be a minimum six inches in diameter, and that a hydrant tee and valve be provided within 500 feet of each lot.~~
- (5) For the purpose of this section, the term "water system" shall include all appurtenances and fixtures normally associated with such facilities, including fire hydrants, gate valves, blow-offs, manholes, and pumping apparatus, but shall not include individual service meters, which shall be installed by the town; the aforementioned appurtenances and fixtures shall comply with the specifications and standards of the town.

(E) **STORM DRAINAGE**

- (1) The applicant shall provide an adequate drainage system for the proper drainage of all surface water in order to protect the proposed development from water damage. The design of such system shall be subject to the approval of the Town Council.

- (2) No surface water shall be channeled or directed into a sanitary sewer.
- (3) Where feasible, the applicant shall connect to the municipal storm drainage system.
- (4) Where the municipal storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to complement surface drainage systems to surrounding properties.
- (5) Cross pipes under streets and driveways shall be concrete, reinforced concrete, or other pipe, as approved by the Town Manager. All such cross pipes shall be a minimum of 15 inches in diameter.
- (6) Surface drainage courses shall have side slopes of at least one foot of horizontal distance for each foot of vertical distance.
- (7) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of approximately one foot in each 300 feet of horizontal distance.

(F) **ELECTRICAL UTILITIES**

Electrical improvements in accordance with town or progress energy standards, whichever is applicable, shall be required in all subdivisions.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.605 PUBLIC FACILITIES

(A) SCHOOL SITES

- (1) When a subdivision plat is submitted for approval, in which, according to the land use or land development plan, a school site should be reserved, the Planning Director shall notify the County Board of Education that the subdivision has been submitted for approval, and that under this chapter, a school site may be reserved therein.
- (2) In reviewing the subdivision and giving approval the Planning Director shall consult the Board of Education in determining the exact size and location of any school site to be reserved therein.
- (3) Before the final plat of the subdivision is approved, the Board of Education shall determine whether or not it wishes to have a school site reserved in the subdivision. If the Board of Education does wish to have a school site reserved in the subdivision, the subdivision as finally approved shall reserve a school site of a size and location agreeable to the Board of Education and to the Planning Board. The Board of Education shall then have 18 months, beginning on the date of the final approval of the subdivision, within which to acquire the site. If the Board of Education has not purchased or begun proceedings to acquire the site within 18 months after the subdivision is finally approved, the applicant may proceed to dispose of it in accordance with the subdivision procedure and provisions of this chapter.

(B) RECREATION AND OPEN SPACE

The minimum recreation and open space requirements for conventional and open space residential subdivisions are set forth in § 155.203(h).

(Ord. 2005-11-02, passed 11-21-05)

§ 155.606 PERMANENT REFERENCE POINTS

Prior to the approval of the final plat, iron stakes shall be installed on all corners of the subdivision and at additional points in the subdivision, so that no point within the subdivision lies more than 500 feet from a monument. In addition, two or more control points shall be designated on the final plat.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.607 GUARANTEE OF IMPROVEMENTS

(A) GENERAL

- (1) No final plat will be accepted for review by the Technical Review Committee unless accompanied by written notice by the Planning Director, acknowledging compliance with (B) and (C) of this section.
- (2) If the subdivision is to be phased or developed in sections, the Planning Director shall withhold final plat approval for the most recent phase until improvements in prior stages have been completed or guaranteed.

(B) PERFORMANCE GUARANTEES

In lieu of prior construction of the improvements required by this subchapter, the town shall, for the purpose of approving a final plat, accept a guarantee from the applicant that such improvements will be carried out according to the town's specifications at the applicant's expense. Such guarantee may be in the form of a performance bond, letter of credit, or certified check drawn in favor of the town or cash deposited with the town. Such guarantee shall be in an amount of not less than 125% or more than 150% of the estimated cost of the construction of the required improvements. This amount shall be determined by the Town Public Works Director. Performance guarantees shall run for a period of one year upon written approval of the Town Council.

(C) PERFORMANCE BOND

The town shall require a bond guaranteeing: street improvements, curbs, gutters, drainage facilities, sidewalks, electrical facilities, water and sewer lines and taps and all other improvements against defects for one year from the date of final acceptance by the town. This bond shall be in the amount determined by the Town Public Works Director or designee, and shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in North Carolina.

(D) TOWN'S RIGHT OF INSPECTION AND ACCEPTANCE

- (1) Whether the required improvements are performed prior to or following approval of the final plat, the applicant shall grant to the town and its assignees authority to inspect all construction of the required improvements, and moreover, shall advise the town at least two days in advance of beginning work on any of the various improvements. However, such right of inspection shall not constitute duty to inspect, nor shall it guarantee final acceptance by the town of any required improvements.
- (2) If improvements are guaranteed by a bond or cash deposit, failure by the applicant to perform the work to the town's standards shall free the town, at the discretion of the Town Council, to liquidate the bond or cash deposit, in order to finance the necessary repairs. This provision shall extend through the one-year warranty period. The town will provide the applicant with a written notice of its intent to carry out this provision at least two weeks prior to such liquidations, and shall also provide the applicant during this period a hearing at a regularly scheduled meeting of the Town Council.

- (3) The town's final acceptance of required improvements in the event of their construction following final plat approval shall be evidenced by a written letter from the Town Manager as specifically authorized by the Town Council.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07)

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
Ordinance Amendment**

2019-22-OA Subdivision Standards Ordinance Amendment

On March 25, 2019 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to:

☒ approve the request.

☐ deny the request.

Recommendation(s) made this 25th day of March, 2019 while in regular session.

Signed:



Robert J. Ahlert, Planning Board Chair

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on Monday, May 6, 2019, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider the following amendment to the Unified Development Code: 2019-22-OA Subdivision Standards Ordinance Amendment (HB436). Copies of the proposed amendment are available in the Planning office and the Town Clerk's office for review by the public. The following section of Title XV, Chapter 155 are proposed for amendment:

- 600 - Subdivision Standards

The public is invited to attend.

Samantha Wullenwaber, Planning Director
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:

April 24, 2019

May 1, 2019

Affidavit of publication required.



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

*Town Council
May 6, 2019*

STAFF REPORT

Application Number: 2019-22-OA
Project Name: Subdivision Standards
Ordinance Amendment

Applicant: Town of Clayton

Public Noticing:

- Newspaper ad published April 24, 2019 and May 1, 2019

REQUEST: Request to make amendments to the text of the Unified Development Code, Title XV, Article 6: Subdivision Standards §155.600 and §155.604(D). This amendment seeks to amend the requirements in the Subdivision Standards section of the Unified Development Code. The proposed change is minor in scope.

SECTIONS PROPOSED FOR AMENDMENT:

The following sections of Title XV, Chapter 155, Article 6: Subdivision Standards and their general description are proposed for amendment:

- 600 - Applicability
- 604 - Utilities

STAFF ANALYSIS AND COMMENTARY:

Overview

This amendment seeks to amend the requirements outlined in the Subdivision Standards section of the Unified Development Code. The Town of Clayton's Code of Ordinances requires an update to conform with changes to North Carolina's State Statutes. The update primarily consists of the elimination of language referring to "Acreage" and "Capacity" Fees, as well as the inclusion of language that is consistent with Session Law 2017-138 (HB 436) related to "Water and Sewer System Development Fees." An additional change will require any property within Town limits that develops within 300 linear feet of Town water and/or sewer will be required to extend to the mains to their property and connect to service. This will ensure the Town's infrastructure continues to expand serviceability area and meet density and intensities proposed by the Future Land Use Map. These changes are in

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accordance with updates to Chapters 50 (General Utility Regulations), 51 (Water and Sewer System Extension Policy), and 52 (Sewer Use) of the Town of Clayton's Code of Ordinances.

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 155.
- **Novelty of the request**
The request does not represent novel changes to the Code.

CONSIDERATIONS

- The Planning Board recommended approval of the ordinance amendment on March 25, 2019. The Town Council shall make a final decision regarding revisions to the Town Code.

STAFF RECOMMENDATION:

Staff is recommending approval of changes to the Subdivision Standards.

CONDITIONS:

Staff has no recommendation of Conditions.

ATTACHMENTS:

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

**TOWN OF CLAYTON
AMENDMENT TO THE CODE OF ORDINANCES
Chapter 155
Sections 600 and 604**

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, to amend Chapter 155, Sections 600 and 604 to read as follows:

§ 155.600 APPLICABILITY

- (A) This subchapter shall apply to all development within the town's planning jurisdiction, unless expressly exempted by the language of the sections below.
- (B) Prior to approval of a final plat for the subdivision of land, the applicant shall have installed improvements specified in this subchapter or guaranteed their installation as provided.
- (C) In accordance with section §51.03 (G), no water or sewer service shall be provided to any property outside of the municipal limits of the town, except upon compliance with one of the following:
 - 1. If the property is contiguous to the municipal limits of the town, the property owners shall immediately petition for and obtain annexation of the property into the municipal limits of the town.
 - 2. If the property is not then contiguous to the municipal limits of the town, the property owners shall enter into a written agreement with the town for the voluntary annexation thereof at such future date as said property.
 - 3. The Town Council may negotiate terms for voluntary annexation of major industrial or commercial tracts which require water and/or sewer system extensions.
- (D) The appropriate water and sewer System Development fees in accordance with § 50.02 of the Town Code of Ordinances, which addresses the water and sewer extension policy.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.601 SEQUENCE OF IMPROVEMENTS

Subdivision improvements shall be installed on the site in the following sequence:

- (A) Street grading and installation of water distribution lines, sanitary sewers, storm sewers, gas, telephone, cable television, and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement.
- (B) Street base material.
- (C) Curb and gutter and sidewalks.
- (D) Street paving.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.602 STREETS

(A) GENERAL

- (1) Streets within the town are intended for multi-purpose use, as follows:
 - (a) To carry motor vehicle traffic, and, in some cases, allow on-street parking;
 - (b) To provide a safe and convenient passageway for pedestrian traffic; and
 - (c) To serve as an important link in the town's drainage system.
- (2) All public streets which serve properties connected to the town's utility system shall be constructed in conformance with town standards and specifications; however, if the roadway is maintained by NCDOT, then the roadway shall be constructed in conformance with either town or NCDOT standards and specifications, whichever is more stringent.
- (3) If the final plat for a residential subdivision outside the town limits but within the town's extraterritorial jurisdiction has been approved and improvements have been guaranteed by the developer in accordance with § 155.607, the applicant shall provide the town and purchasers of land in the subdivision with an agreement providing for adequate maintenance of the newly constructed streets until such time that the streets are taken over by the NCDOT, as required by G.S. § 136-102.6.

(B) STREET IMPROVEMENTS

- (1) Required Improvements
- (1) The applicant shall be responsible for the cost and installation of the applicable standard residential, residential collector, collector, or commercial street width and pavement design requirements. Paving shall be installed for roadways through and adjoining the development in accordance with town standards and specifications (or NCDOT standards if applicable). The applicant shall also provide additional pavement surfaces for turning lanes in accordance with the town's Engineering Design Manual.
 - (a) The applicant shall be responsible for making improvements to thoroughfare rights-of-way, as designated on the town's Transportation Plan. The improvements to be installed are as follows: the thoroughfare sub-base and surface paving materials, thoroughfare grading, and the remaining standards of applicable minimum residential, residential collector, collector, or commercial streets shall be made to extend to the outer perimeter boundaries of a development for any development where any of the following conditions occur:
 1. The thoroughfare improvements would provide necessary access to the development or adjoining properties.
 2. The improvement would be an extension of an already existing section of thoroughfare roadway.

3. The traffic from the development is predominantly from nonresidential activities and the development would otherwise gain access through a residential area.

(2) **Fee-In-Lieu**

- (a) The town may require a fee-in-lieu of installation payment to the town for minimum residential, residential collector, collector, or commercial streets for the length of the thoroughfare if any of the following criteria are met:
 1. No direct access to the thoroughfare is proposed.
 2. The minimum street improvement is one-half of an existing unimproved right-of-way, and improvements, if constructed, would not be used for traffic circulation.
 3. Where the new thoroughfare right-of-way is only partially contained on the development site and therefore, construction of only a portion of the new street cross-section is possible.
- (b) The Town Council may allow fee-in-lieu of minimum street construction payments to the town for residential, residential collector, collector, or commercial streets if any of the following criteria and their conditions are satisfied:
 1. Where existing unimproved streets have:
 - A. Insufficient lineal footage to serve overall traffic circulation purposes or interrupts an existing swale/ditch storm drainage system with curb and gutter, which would disrupt the drainage system operation;
 - B. Curb and gutter improvements would not connect to existing curb and gutter, or there are no similar improvements on the same block;
 - C. There are no plans for town improvements on the same block; and
 - D. The area is sufficiently developed (75% of the block) such that few future subdivision or site plan submittals are anticipated.
 2. Where construction of the streets by the town or other party is imminent.
 3. Where construction of only a sidewalk is required without street improvements, and the new sidewalk is less than one block in length and would not connect to an existing sidewalk.
 4. Where approved by the Town Council for a new street that traverses a site when:
 - A. Street construction will not connect to an existing improved street;
 - B. There are no plans to construct an adjoining street in the near future; and
 - C. A letter of credit is not an appropriate financial security.

5. Where approved by the Town Council, when for reasons of topography, street construction is impractical due to:
 - A. The need for off-site construction or slope encroachment;
 - B. Proper street alignment should be determined with off-site development; or
 - C. Design of bridges or culverts are required and only a portion of the structure is on the development's property.
- (c) Developments will not be responsible for the cost and installation of any paving construction requirements along existing or planned roadways, if any of the following conditions exist:
 1. The roadway is a freeway, expressway or any other fully controlled access facility.
 2. The roadway is in the town's Capital Improvement Program, final design plans have been initiated, and the project will fall under the assessment policy of the town.
 3. The roadway is on NCDOT's Transportation Improvement Program, final design plans have been initiated, and there will be no town contribution or participation in funding the project. If the town funds a portion of the project, then a fee-in-lieu of installation will be required as a contribution towards town-funded improvements.

(C) **STREET CLASSIFICATION**

In all new subdivisions, streets that are dedicated to public use shall be classified as provided in (D) of this section.

- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day or during the peak hour of the day;
- (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive; and
- (3) Whenever a subdivision street continues on an existing street or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(D) **STREET TYPES**

See Defined Terms (§155.802) for description of each Street Type.

- (1) Residences should not front on a major thoroughfare.

- (2) Where a parcel of land to be subdivided adjoins a major thoroughfare, the Planning Board or Town Council may require that such lots be provided access by a frontage road.

(E) **THOROUGHFARE DEDICATION**

- (1) Whenever a parcel of land included within any proposed development plan embraces any part of a thoroughfare system roadway and is so designated in the town's Transportation Plan, after such part of it has been adopted by the proper authority, such part of such proposed public way shall be platted and dedicated in the location and width indicated on the plans. This requirement shall not require the applicant to dedicate rights-of-way unless indicated on the town's Transportation Plan. It is the responsibility of the applicant to take future roadway plans of the town and the NCDOT into account when laying out a development plan.
- (2) Developments which embrace only one side of an existing or planned thoroughfare right-of-way will only be required to plat and dedicate additional right-of-way for that portion of roadway with which the development has frontage. Such improvements shall be in conformance with town standards and shall be measured from the right-of-way centerline.

(F) **CROSS-SECTIONS**

- (1) Appropriate street cross-sections shall be approved by the town or NCDOT. Appendix A contains approved street cross-sections for the town. Alternative cross-sections may be approved by the Town Council as a waiver (see § 155.706(l)(7)), and when necessary in conjunction with NCDOT.
- (2) Cul-de-sacs shall be used only when it is determined by the Town Council that extension of the street to an adjacent property is impractical or unnecessary. Alternative turnaround designs on residential streets serving six dwelling units or less may be considered on a case-by-case basis. Alternative designs must readily accommodate emergency vehicles and sanitation trucks. Medians may be permitted where the cul-de-sac radius is increased and it can be demonstrated that emergency vehicles and sanitation trucks can be accommodated. Unless specifically agreed upon with the town, landscaped medians are not to be maintained by the town, and a private maintenance agreement for the median shall be required to be approved by the Town Attorney.
- (3) Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum widths specified in Appendix A. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half the required right-of-way, measured from the center line of the existing street, shall be provided where a new subdivision is located on one side of an existing street.
- (4) A slope easement of 20 feet in width may be required adjoining each side of a street right-of-way. The town may reduce or increase the slope easement width, if due to terrain. If the applicant submits to the town sufficient information to show that

improvements to be located in the slope easement do not interfere with the right of the public to construct within the adjoining right-of-way streets, sidewalks, or both, then the town shall allow the proposed improvement.

(G) **CUL-DE-SAC LENGTH**

- (1) No residential street cul-de-sac serving lots of 20,000 square feet or greater in size shall exceed 1,000 feet in length. No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length.
- (2) No commercial street cul-de-sac shall exceed 400 feet in length.

(H) **SIDEWALKS**

- (1) In order to enhance pedestrian safety and mobility, except as set forth below, sidewalks shall be required on both sides of all streets (see Appendix A for approved street cross-sections).
 - (a) Sidewalks shall not be required on the following roadways:
 1. In residential developments with minimum lot sizes one acre or greater, except where an existing school, park, open space, trail or greenway lies within one-quarter-mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is required.
 2. Residential streets serving less than or equal to ten dwelling units. Corner lots that have frontage on both a connective or loop street shall not be included in determining the number of dwelling units served by the street. Street stubs temporarily serving ten lots or less shall provide sidewalks on both sides of the street.
 3. Commercial street cul-de-sacs that are less than 150 feet in length.
 - (b) Sidewalks shall be required on only one side of a frontage road.
- (2) Sidewalk access ramps, also commonly referred to as wheelchair ramps for the physically handicapped, shall be provided at all intersections where curb and gutter are provided (see (I) of this section), and where sidewalks and/or greenway trails intersect any street.
- (3) Pedestrian crosswalks are required on any residential street at each intersection and at any mid-block pedestrian or bicycle connections.
- (4) The Town Council may allow a fee-in-lieu for sidewalk construction as set forth in (B)(2)(b) of this section.

(I) **CURB AND GUTTER**

Unless granted a waiver (see § 155.706(I)(7)) by the Town Council, all public streets, inside the corporate limits of the town and outside the town when water or sewer is connected to the town utility system, shall be constructed with curb and gutter (see Appendix A for approved street cross- sections). Curb and gutter shall be a combination curb and gutter or such other construction approved in the town's Engineering Design Manual. Rolled or valley-type curbs are permitted for new collector, residential collector, and residential streets.

(J) **RELATIONSHIP OF STREETS TO TOPOGRAPHY**

- (1) Streets shall be designed to relate appropriately to the topography of a site. In particular, streets shall be designed to facilitate the storm drainage requirements specified in § 155.604(E) and, subject to the design requirements relating to maximum grades set forth in (J)(2) of this section, street grades shall conform as closely as practicable to the original topography.
- (2) The maximum grade for street construction shall meet design requirements of the town or NCDOT. However, in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director, create a substantial danger to the public safety or cause any substantial degradation to the street or drainage system.

(K) **STREET LAYOUT**

- (1) The street layout of any development should be in conformity with the town's Transportation Plan and all other applicable adopted plans and policies of the town. Public streets shall be constructed to the boundary lines of the development submitted for approval when required to provide for efficient circulation of traffic within the community.
- (2) Each side of a collector street, commercial street or residential street shall, within every 1,500 foot length of the street, be intersected by at least one connective street. The 1,500 foot length shall be measured from the origination point, if established, of the collector, commercial, residential or residential street.
- (3) A waiver (see § 155.706(I)(7)) may be granted by the Town Council for developments that do not meet the above layout or creates a violation of this layout if:
 - (a) Existing surrounding development prevents extending a street to any adjoining developments to meet this regulation.
 - (b) The adjoining existing street pattern or a planned "stub" street provides for an appropriate intersecting street beyond the 1,500-foot point, that would provide equivalent benefits as an intersecting street within 1,500 feet.
 - (c) Severe topography or other physical features warrant making a connection of an intersecting street at another location either inside or outside the development to provide equivalent benefits as an intersecting street within a distance of 1,500 feet, and this other alternate specific location is provided for at the time the development making the request for an alternate location is approved.

- (4) Existing adjoining public streets, public platted streets, and publicly planned streets shall be continued and extended as public streets as part of the development. Streets that are not to be extended, as determined by the Town Council, shall be terminated in a permanent cul-de-sac.
- (5) Where a proposed development will extend a public street that is already stubbed out to the property line, such extension as a public street shall be required.
- (6) Wherever there exists a dedicated or platted half street adjacent to the parcel to be developed, the other half shall be platted and, where required, constructed.
- (7) Where a through street or a series of streets establishes a connection between two public streets and the connection is greater than 1,200 feet in length, or the connection may encourage through traffic not generated by the development, the street shall be a public street, except in instances where the Town Council determines that requiring such connection to be a public street will serve no purpose, due to the existing or proposed street pattern, traffic flow or traffic volumes.
- (8) Where a proposed development utilizing private streets has an area of 20 or more acres, at least one public through street must be provided in a location determined by the Town Council to assure continuity of the public street system, except in instances where the Town Council determines that such public through street will serve no purpose due to the existing or proposed street pattern, traffic flow or traffic volume. The Town Council may also require additional public through streets for the provision of emergency services, such as police and fire protection, or to provide alternate circulation at congested or critical intersections.

(L) **CONSTRUCTION STANDARDS AND SPECIFICATIONS**

All streets and sidewalks required by this section shall be constructed according to the specifications of the town's Engineering Design Manual, except that the Town Council may permit sidewalks to be constructed with other materials when they conclude that:

- (1) Such sidewalks would serve the residents of the development as adequately as concrete sidewalks;
- (2) Such sidewalks would be more environmentally desirable or more in keeping with the overall design of the development; or
- (3) Such sidewalks could be maintained as adequately as concrete sidewalks.

(M) **PRIVATE STREETS**

- (1) All private streets shall be constructed according to the town's public street construction standards. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets. The town shall have the discretion to require a public street connection for safety or access purposes.

- (2) The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street. Further, the initial purchasers of a newly-created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street, in accordance with the requirements set forth in G.S. § 136-102.6.
- (3) All private streets shall be maintained by a designated responsible party in accordance with town standards.
- (4) Where private streets are later made public through dedication to the town, such streets shall be brought up to public construction and maintenance standards, prior to their acceptance by the town.

(N) **STREET NAMES AND SIGNS**

- (1) Street names shall be subject to the approval of the Town Council. New street names shall not duplicate or be similar to existing street names in Johnston County. Existing street names, however, shall be projected where appropriate.
- (2) Street name signs shall be in place prior to approval of any certificate of occupancy for structures to be located on the street.

(Ord. 2005-11-02, passed 11-21-05; (Ord. 2016-04-04, adopted 2016-04-04)

§ 155.603 LOTS AND BLOCKS

(A) LOTS

- (1) Every lot shall abut or front on a public street.
- (2) Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding areas. All lots approved after January 6, 1997 shall contain the minimum required lot width of the applicable zoning district within 50 feet of the street right-of-way adjoining the front yard.
- (3) Double frontage lots shall be avoided, except when lots adjoin a thoroughfare and access is desirable by a street of residential scale, and discouraged or prohibited on the thoroughfare.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.

(B) BLOCKS

- (1) Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
- (2) Blocks shall not exceed 1,500 feet in length.
- (3) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
- (4) A pedestrian connection not less than ten feet in width may be required near the center and entirely across any block in excess of 900 feet in length to provide adequate access to schools, shopping centers, churches, or transportation facilities.
- (5) A pedestrian connection through a cul-de-sac not less than ten feet in width may be required when the cul-de-sac helps provide adequate access to schools, shopping centers, churches, or transportation facilities.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.604 UTILITIES

(A) EASEMENTS

- (1) Utility easements shall be at least 20 feet wide, and shall run alongside or rear lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the minimum 20-foot wide easement.
- (2) Where a subdivision is traversed by a water-course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way, conforming substantially with the lines of such watercourses, and of such further width or construction, or both, as will be adequate for the purpose. Lakes, ponds, watercourses, and the land immediately adjacent thereto shall be considered for maintenance by the town only if sufficient land is dedicated as a public recreation area or park, or if such area constitutes a necessary part of the drainage control system. The town reserves the right to reject any intended dedications.

(B) OWNERSHIP OF UTILITIES

All water, sanitary sewerage, electrical (when in town's service area) and storm drainage facilities installed under the requirements of this chapter shall become the sole property of the town upon acceptance. A deed to the town for such facilities, including easements pertaining to right-of-way entrance for maintenance, shall be executed prior to connections to the respective municipal systems.

(C) REQUIRED ADDITIONAL CAPACITY

Where the Town Council deems it necessary, in the interest of the health, safety and general welfare of the residents of the town and its extraterritorial jurisdiction, the applicant shall make certain improvements at sizes in excess of those which would normally be required to serve only the applicant's subdivision. Where oversized improvements are required, the town shall reimburse the applicant for the cost of materials incurred over and above those required to serve the applicant's subdivision. Such reimbursement shall be mutually agreed upon.

(D) WATER DISTRIBUTION LINES AND SANITARY SEWERS

- (1) Each lot in all subdivisions within the town's corporate limits, and each lot in all subdivisions in the extraterritorial jurisdiction within 300 feet of the town's water and/or sanitary sewer system shall be connected at the applicant's expense to the town's water and/or sewer system. In accordance with § 51.03 (A) of the Town Code of Ordinances, each developer of land shall be responsible for providing water and sewer line connections and all necessary pump stations, lift stations, and fire hydrants between their property and the town systems. In accordance with § 50.02 of the Town Code of Ordinances, the applicant shall pay water and sewer System Development fees for all property to be served by a connection to the town's water and/or sanitary sewer system.

- (2) Where a subdivision, in the extraterritorial jurisdiction lies more than 300 feet from the municipal water and/or sewer system, the applicant may, at the applicant's expense, connect the subdivision lots to the town's water and/or sanitary sewer system. In accordance with section § 51.20 (A) of the Town Code of Ordinances, any property owner or developer desiring to have water or sanitary sewer services extended to and along any public street or other area where no water or sanitary sewer main exists shall apply to the Town Manager, or designee, in writing requesting a specific daily allocation for such services. If the applicant provides a community water and/or sewer system, rather than connecting to the municipal system, or provides individual wells and/or septic tanks, the materials, design, and installation shall be made in accordance with all applicable state and Johnston County specifications and standards.
- (3) In accordance with section § 51.03(D) of the Town Code of Ordinances, the minimum diameter of a water main shall be six inches and the minimum diameter for a sewer main shall be eight inches. All sewer mains shall be installed at a maximum depth to ensure service to as large an area as possible. Water distribution lines shall be no smaller in size than six inches nominal diameter, with the following exception: On cul-de-sacs which are served by fire hydrants at their intersection with a local street, and the hydrant is connected to a water line of six inches nominal diameter, or larger, water service may be provided with lines smaller than six inches if a blow-off valve is established at the end of such line, or the line is connected to another line within the subdivision to form a loop. This exception shall not apply where such line represents the interconnection between the subdivision and the municipal system. On streets which are "stubbed out" at property lines to permit future development, service must be provided by lines of at least six inches nominal diameter.
- (4) In accordance with section § 155.301(F)(6)(a) and Title V of the Town Code of Ordinances, an accessible, adequate, safe supply of water and sewer shall be provided in each manufactured home park.
- (5) For the purpose of this section, the term "water system" shall include all appurtenances and fixtures normally associated with such facilities, including fire hydrants, gate valves, blow-offs, manholes, and pumping apparatus, but shall not include individual service meters, which shall be installed by the town; the aforementioned appurtenances and fixtures shall comply with the specifications and standards of the town.

(E) **STORM DRAINAGE**

- (1) The applicant shall provide an adequate drainage system for the proper drainage of all surface water in order to protect the proposed development from water damage. The design of such system shall be subject to the approval of the Town Council.
- (2) No surface water shall be channeled or directed into a sanitary sewer.
- (3) Where feasible, the applicant shall connect to the municipal storm drainage system.
- (4) Where the municipal storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to complement surface drainage systems to surrounding properties.

- (5) Cross pipes under streets and driveways shall be concrete, reinforced concrete, or other pipe, as approved by the Town Manager. All such cross pipes shall be a minimum of 15 inches in diameter.
- (6) Surface drainage courses shall have side slopes of at least one foot of horizontal distance for each foot of vertical distance.
- (7) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of approximately one foot in each 300 feet of horizontal distance.

(F) **ELECTRICAL UTILITIES**

Electrical improvements in accordance with town or progress energy standards, whichever is applicable, shall be required in all subdivisions.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.605 PUBLIC FACILITIES

(A) SCHOOL SITES

- (1) When a subdivision plat is submitted for approval, in which, according to the land use or land development plan, a school site should be reserved, the Planning Director shall notify the County Board of Education that the subdivision has been submitted for approval, and that under this chapter, a school site may be reserved therein.
- (2) In reviewing the subdivision and giving approval the Planning Director shall consult the Board of Education in determining the exact size and location of any school site to be reserved therein.
- (3) Before the final plat of the subdivision is approved, the Board of Education shall determine whether or not it wishes to have a school site reserved in the subdivision. If the Board of Education does wish to have a school site reserved in the subdivision, the subdivision as finally approved shall reserve a school site of a size and location agreeable to the Board of Education and to the Planning Board. The Board of Education shall then have 18 months, beginning on the date of the final approval of the subdivision, within which to acquire the site. If the Board of Education has not purchased or begun proceedings to acquire the site within 18 months after the subdivision is finally approved, the applicant may proceed to dispose of it in accordance with the subdivision procedure and provisions of this chapter.

(B) RECREATION AND OPEN SPACE

The minimum recreation and open space requirements for conventional and open space residential subdivisions are set forth in § 155.203(h).

(Ord. 2005-11-02, passed 11-21-05)

§ 155.606 PERMANENT REFERENCE POINTS

Prior to the approval of the final plat, iron stakes shall be installed on all corners of the subdivision and at additional points in the subdivision, so that no point within the subdivision lies more than 500 feet from a monument. In addition, two or more control points shall be designated on the final plat.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.607 GUARANTEE OF IMPROVEMENTS

(A) GENERAL

- (1) No final plat will be accepted for review by the Technical Review Committee unless accompanied by written notice by the Planning Director, acknowledging compliance with (B) and (C) of this section.
- (2) If the subdivision is to be phased or developed in sections, the Planning Director shall withhold final plat approval for the most recent phase until improvements in prior stages have been completed or guaranteed.

(B) PERFORMANCE GUARANTEES

In lieu of prior construction of the improvements required by this subchapter, the town shall, for the purpose of approving a final plat, accept a guarantee from the applicant that such improvements will be carried out according to the town's specifications at the applicant's expense. Such guarantee may be in the form of a performance bond, letter of credit, or certified check drawn in favor of the town or cash deposited with the town. Such guarantee shall be in an amount of not less than 125% or more than 150% of the estimated cost of the construction of the required improvements. This amount shall be determined by the Town Public Works Director. Performance guarantees shall run for a period of one year upon written approval of the Town Council.

(C) PERFORMANCE BOND

The town shall require a bond guaranteeing: street improvements, curbs, gutters, drainage facilities, sidewalks, electrical facilities, water and sewer lines and taps and all other improvements against defects for one year from the date of final acceptance by the town. This bond shall be in the amount determined by the Town Public Works Director or designee, and shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in North Carolina.

(D) TOWN'S RIGHT OF INSPECTION AND ACCEPTANCE

- (1) Whether the required improvements are performed prior to or following approval of the final plat, the applicant shall grant to the town and its assignees authority to inspect all construction of the required improvements, and moreover, shall advise the town at least two days in advance of beginning work on any of the various improvements. However, such right of inspection shall not constitute duty to inspect, nor shall it guarantee final acceptance by the town of any required improvements.
- (2) If improvements are guaranteed by a bond or cash deposit, failure by the applicant to perform the work to the town's standards shall free the town, at the discretion of the Town Council, to liquidate the bond or cash deposit, in order to finance the necessary repairs. This provision shall extend through the one-year warranty period. The town will provide the applicant with a written notice of its intent to carry out this provision at least two weeks prior to such liquidations, and shall also provide the applicant during this period a hearing at a regularly scheduled meeting of the Town Council.

- (3) The town's final acceptance of required improvements in the event of their construction following final plat approval shall be evidenced by a written letter from the Town Manager as specifically authorized by the Town Council.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07)

Duly adopted this the 6th day of May, 2019 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

May 6 2019

Agenda Location

New Business

Item Title

Budget Amendments for Drug Seizure Monies and Major Repair of the Warehouse Forklift.

Presenter

Robert McKie, Finance Director

Summary/Description

The Police Department is requesting to utilize unspent drug seizure monies to pay the OSSI module fee for the records management system. The Finance Department is requesting to utilize higher than budgeted investment earnings to cover the cost of an unscheduled major transmission repair to the warehouse forklift and rental costs while out of service.

Requested Action

Approval

Funding Source (If Applicable):

Fund Balance Appropriation - \$4,642; Investment Earnings - \$11,673

Cost: Yes ☐ No ☐

Additional Documents to be Included in Agenda Packet

Drug Seizure Revenue Budget Amendment

Warehouse Forklift Repair Budget Amendment

Meeting Timeline

Click or tap here to enter text.

**Town of Clayton
Amendment to the FY 18-19 Budget**

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 18-19 Budget:

Fund: General Fund and Police Special Revenue Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$424,346	+4,642	\$428,988
Expenditures			
100-50-00-55 06	Drug Seizure Funds – State \$0	+4,642	\$4,642

-Explanation: Amendment necessary to reflect the appropriation of Fund Balance to pay the OSSI module fee for the records management system with the proceeds from unauthorized substance tax distributions (USTD) from the State that have been received and remain unspent. The General Statutes (G.S. 105-113.113) mandates the Department of Revenue to distribute 75% of the USTD funds to the local law enforcement agency that conducted the investigation of a dealer that led to the assessment. The State establishes a special non-reverting account for the USTD funds. All funds received from USTD are restricted to directly enhancing the law enforcement activities of the Clayton Police Department.

Duly adopted this 6th day of May, 2019 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town of Clayton
Amendment to the FY 18-19 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF
CLAYTON that the following amendments shall be made to the FY 18-19 Budget:

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-41-02-48 00	Investment Earnings \$212,742	+11,673	\$224,415
Expenditures			
100-41-10-52-35	Maintenance & Repair Equipment \$1,750	+8,781	\$10,531
100-41-10-56-50	Equipment Rental \$0	+2,892	\$2,892

Amendment to utilize higher than budgeted investment earnings to cover the cost of an unscheduled major transmission repair to the warehouse forklift and rental costs while out of service. This amendment is required for compliance with G.S. 159-15:

Duly adopted this 6th day of May, 2019 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk