



Town of Clayton
Town Council Work Session Minutes
Monday, August 7, 2023 at 3:00 PM
Rotary Room, Town Hall
111 E. Second Street

Council Present:

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

Staff Present:

Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Robert McKie, Finance Director
Sam Johnson-Phillips, Deputy Town Clerk
Michelle Snyder, Executive Asst. to Town Manager
Ben Howell, Planning Director
Byron Poelman, Water Resources Director
Joshua Baird, Engineering Director
Jonathan Jacobs, Assistant Engineering Director

Council Absent:

Mayor Jody McLeod

1 CALL TO ORDER

- a) Mayor Pro Tem Thompson called the meeting to order at 3:02 p.m.

2 ADJUSTMENT OF THE AGENDA

- a) **Approve or Adjust the Agenda**

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

3 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Employee Recognition
- Matt Harvey (Received Collections 3 Certificate)
Promoted to Utility Maintenance Mechanic 3
- Presenter: Travis Jessup, Utilities Operations Superintendent*

Travis Jessup introduced two new employees. He stated Matt Harvey was not able to make it today. He introduced Joshua Heller and Landon Gilbert, both Utility Maintenance Mechanics. Council welcomed them.

4

ITEMS FOR DISCUSSION

- a) Codify Clayton Update - Review of Draft Unified Development Ordinance
Presenter: Ben Howell - Planning Director
Chad Meadows - CodeWright Planners

Chad Meadows, with CodeWright Planners, was present and provided an update on the UDO draft. He stated Council would have an opportunity to ask questions at the end. He stated there would be another meeting and the last public workshop next week. The goal is to have a full draft to the Planning Board at their September meeting and to Council at their October 16th meeting.

Mr. Meadows walked through the changes of what the new code would include.

Codify Clayton Project Goals

- Make the Code more user-friendly and predictable
- Implement the 2045 Comprehensive Growth Plan
- Raise the bar for development quality & design
- Accommodate a wider range of housing options
- Encourage employment-generating uses
- Foster downtown development/redevelopment
- Protect community character and property values

Project Work Program

- Project Initiation – April 2022
- Diagnosis – May & June 2022
- Annotated Outline – July-September 2022
- Drafting – October 2022-May 2023
- Testing – June & July 2023
- Adoption – August-October 2023
- Delivery – October 2023

7 Key Themes for Improvement

- Make the regulations more user-friendly
- Implement the Town's Adopted Policy Guidance
- Raise the bar for development quality and design
- Ensure the development review process is predictable
- Incorporate incentives and flexibility
- Foster re-use and redevelopment
- Provide a greater range of house choice

Shared was the UDO Chapter Structure

- Ch. 1 Administration
- Ch. 2 Applications
- Ch. 3 Districts
- Ch. 4 Land Uses
- Ch. 5 Nonconformities
- Ch. 6 Standards

- Ch. 7 Violations
- Ch. 8 Word Usage
- Ch. 9 Appendices

Chapter 1 Administration

- 1.1 Applicability
- 1.2 Authority
- 1.3 Conflict
- 1.4 Consistency with Adopted Policy Guidance
- 1.5 Document Title
- 1.6 Effective Date
- 1.7 Procedures Manual
- 1.8 Purpose and Intent of Ordinance
- 1.9 Review Authorities
- 1.10 Severability
- 1.11 Transitional Provisions
- 1.12 Vested Rights

Key Changes:

- Detailed purpose and intent statements
- Conflict
- General requirements for all review authorities
- Comprehensive vested right section
- Detailed purpose and intent statements (p. 17)
- General requirements for all review authorities (p. 18)
- Specific standards for review authorities including Town staff (p. 20)
- New severability provisions (p. 26)
- Comprehensive vested right section (p. 28)

Chapter 2 Applications

- 2.1 Chapter Introduction
- 2.2 Application Summary Tables
- 2.3 Application Types
- 2.4 Review Procedures

Key Changes

- 14 new or newly-codified applications
- Uniform application description structure
- Review criteria for each type of decision
- Administrative Adjustment application (p. 43)
- Tiered Conditional Rezoning applications (p. 57)
- 5 Subdivision applications
(exempt, limited, minor, major, conservation)
- Phased Major Subdivision and Site Plan application
- Relocations from Town Code
(driveways, erosion control, floodplain, stormwater)
- Uniform performance guarantee & fee-in-lieu
- Comprehensive review procedures section

There was detailed discussion about major subdivisions and site plan applications.

Chapter 3 Districts

- 3.1 Chapter Introduction
- 3.2 Conventional Zoning Districts
- 3.3 Conditional Zoning Districts
- 3.4 General Dimensional Standards
- 3.5 Incentives & Alternatives
- 3.6 Measurements & Exceptions
- 3.7 Overlay Zoning Districts
- 3.8 Zoning Map

Key Changes

- 4 new conventional zoning districts
- District re-naming
- New Downtown sub-district approach (overlay removed)
- 5 Conditional zoning districts
- 3 Overlay districts
- New tabular format
- Addition of densities, street setbacks, lot coverage
- Dimensional stds. by residential use type
- Density bonus for design quality
- Comprehensive rules of measurement

He stated there are 3 big flavors of districts and have made changes to these. There are 4 new conventional zoning districts (17 total districts), all which have been renamed. He stated a placeholder has been made for the historic overlay district. Each district will have their own table and hyperlinks have been added to these tables.

Chapter 4 Land Uses

- 4.1 Chapter Introduction
- 4.2 Principal Uses
- 4.3 Standards for Specific Principal Uses
- 4.4 Prohibited Uses
- 4.5 Secondary Uses
- 4.6 Temporary Uses
- 4.7 Unlisted Uses

Key Changes:

- Distinctions between differing use types (p. 184)
- New 3-tier use classification system (p. 187)
- New conditional zoning districts (p. 188)
- Numerous new/modern use types (p. 188-201)
- Hyperlinks to standards in new use table
- Fewer special use permits
- Broader list of use-specific standards (p. 202)
- List of prohibited uses expanded (p. 264)

- Secondary uses section overhauled (p. 266)
- New summary table for secondary uses (p. 269)
- New use-specific standards for secondary uses (p. 271)
- New set of temporary use standards (p. 288)

He stated the code has removed current uses and added 137 different use types. There was discussion of fewer Special Use Permits and the BOA will now hear quasi-judicial hearings instead of Council. Anything that has federal protections associated with it would go through the BOA.

Mr. Meadows discussed that each section includes purpose and intents. Staff can rely on those statements to refer to why these changes have been made. He discussed the secondary uses that have been added.

Chapter 5 Nonconformities

- 5.1 Chapter Introduction
- 5.2 Nonconforming Lots of Record
- 5.3 Nonconforming Signage
- 5.4 Nonconforming Site Features
- 5.5 Nonconforming Structures
- 5.6 Nonconforming Uses

Key Changes

- New purpose & intent statements
- Allows routine maintenance + some "strengthening"
- Distinctions for nonconforming lots in downtown, residential, nonresidential
- Exemption for governmental acquisition
- Legacy of special purpose lots
- New standards for nonconforming signage
- New approach to nonconforming site features
- Nonconforming with respect to design standards
- Special standards for nonconforming single-family detached and manufactured homes
- Required removal of nonconforming use prior to rezoning

He stated this chapter allows for a more gentle approach for nonconforming uses in downtown.

Council Member Casey asked what happens if there is something out of compliance in downtown. Mr. Meadows discussed properties that would be grandfathered in. Council Member Archer asked Mr. Howell if he could think of a situation that was nonconforming and tried to be rezoned. Mr. Howell stated all rezonings have removed the nonconforming issue or had plans to remove them. He stated the application would not be allowed to move forward if there was a nonconforming issue on site.

Chapter 6 Standards

- 6.1 Access & Circulation
- 6.2 Design Standards & Guidelines
- 6.3 Fences and Walls

- 6.4 Exterior Lighting
- 6.5 Infrastructure
- 6.6 Landscaping and Screening
- 6.7 Open Space & Parkland
- 6.8 Owner's Associations
- 6.9 Parking and Loading
- 6.10 Pedestrian Facilities
- 6.11 Resource Conservation Areas
- 6.12 Riparian Buffers
- 6.13 Signage
- 6.14 Soil Erosion & Sedimentation
- 6.15 Stormwater
- 6.16 Subdivision Design
- 6.17 Sustainable Development Incentives
- 6.18 Tree Protection

Key Changes

- New standards for driveways (residential & non-residential)
- Pedestrian circulation & parking lot cross access
- Farmland protection standards
- Mixed-use design standards
- Multi-family design standards
- Non-Residential Design Standards
- Single-Family Design Guidelines
- Comprehensive fence/wall height & appearance rules
- Maximum illumination standards
- Infrastructure standards consolidate & update
- Street continuation and connectivity
- Overhaul landscaping
- Open space set-aside/parkland dedication
- New rules for owners' associations
- Overhaul parking & loading standards
- New consolidated pedestrian facilities standards with greenways & sidepaths
- Overhaul signage standards
- Add sustainable development incentives
- New tree protection provisions

He stated Chapter 6 was the big chapter. Added were new standards for residential and non-residential. Multi-family design standards have been modified to show a higher quality of development and focus on appearance.

There was discussion on perimeter buffers. If a property is in the same zoning district as neighbor, it is likely a perimeter buffer is not required. There was discussion on the sustainable development matrix, mass grading is not included. Mr. Meadows stated that could be included if Council would like. He stated this would require the Town to define what mass grading is. Council Member Casey and Mayor Pro Tem Thompson stated they would like to see this included. There was further discussion on the pros and cons of having this included.

There was discussion on the open space section and the dramatic changes. Mr. Cappola asked if a developer could provide a separate piece of land, does it have to be onsite? Mr. Meadows stated right now that's how its written, but it doesn't have to be that way.

There was discussion on parkland dedication and the 800 sq. ft. rule. Council Member Casey asked if we could make the 800 sq. ft. rule deviate based on the size of the lot? Mr. Meadows stated you can. Mr. Howell stated 9 times out of 10 it would be a fee; the size of the parkland dedication doesn't really matter. Mr. Meadows stated this should be a flat number. Mr. Cappola stated even though this is a flat figure of 800 sq. ft. per unit, the fee would be based on value of the land.

Mr. Cappola stated with this being a brand new document, we would have text amendments for the next couple years. Council Member Archer stated she would rather start strong and ease off; Council Member Sims and Council Member Casey agreed. Council Member Everett stated we need to think about our more underserved communities.

Chapter 7 Violations

- 7.1 Purpose and Intent
- 7.2 Compliance Required
- 7.3 Description of Violations
- 7.4 Entity Responsible for Violation
- 7.5 Enforcement Procedure
- 7.6 Remedies
- 7.7 Assessment of Civil Penalties
- 7.8 Violations of Soil Erosion and Sedimentation Control Standards
- 7.9 Statute of Limitations

Key Changes

- Purpose: achieve compliance, not punish
- Enumeration of generic violations (p. 237)
- Identification of responsible entities (p. 238)
- Description of enforcement procedure (p. 238)
- Remedies available to Town (p. 240)
- Civil/criminal distinctions applied to "environmental" violations
- Assessment and collection of civil penalties (p. 243)
- Statute of limitations (p. 246)

Chapter 8 Word Usage

- 8.1 Abbreviations
- 8.2 Language Construction
- 8.3 Terms Defined

Mr. Meadows asked questions to the Council.

In regard to street trees, would Council like to see these between curb and sidewalk or back side of the sidewalk? Or should trees be between the person and car?

Council Member Casey stated we need to know the right type of tree to plant. Council Member Archer stated photos have been received from citizens of trees in the way on the sidewalks. She discussed concerns of the roadways and utilities. She stated from a walkability aesthetics approach, she would prefer whichever allows for a more pleasant walk. Council Member Casey stated there have been certain approaches that have still damaged sidewalks; but he would take that over not have the beauty of the trees.

Jonathan Jacobs stated the key is to make sure we are planting the right tree. Mr. Meadows stated there is guidance in the code as to what type of trees should go in. Joshua Baird stated there would still be maintenance with these trees the Town would have to take over, we need to keep this in mind.

He asked if Council wants to explore additional town sponsored rezonings or minimize that. Council Member Archer asked if this would add time and cost? Mr. Meadows stated yes, he doesn't know the price, but would add six-months. Council Member Archer stated that she is not a fan. Mr. Howell stated cost is not that expensive; time is the bigger hit. Council Member Archer asked if that would delay UDO adoption, Mr. Meadows stated no.

He stated the pros are you get to decide where the zoning goes and oversee the timing.

The cons are it takes staff time and could be expensive if a consultant is hired. Staff would also have to deal with discussions and debates.

Mr. Howell stated the issue is new zoning, do you want staff to go out and pick out areas that would be rezoned to encourage development we want to see or wait for an applicant to rezone? Council stated they would think about this.

He discussed the public utility easements, he stated they are still working on this. Right now, the code draft doesn't permit fences, walls or landscaping in public utility easements (sewer water, electric). The standard says no fences. Byron Poelman stated whatever is planted in the easement would get run over three times a year. Council Member Casey stated the steering committee was concerned about planting flowers. Mr. Meadows stated another part was the loss of the real estate, that easement takes up space. Jonathan Jacobs clarified, this is not a right-of-way in front of your house, this is an easement.

Next Steps

1. Today's discussion
2. Complete drafts and review with staff
3. Final Steering Committee meeting
4. Testing complete
5. Planning Board Review (9.25.23)

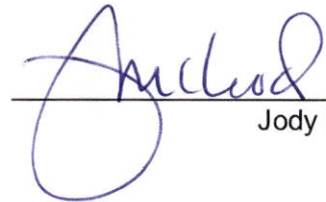
Council Member Sims asked how long do we have to review this? Mr. Meadows stated Council would have approximately a month to review.

5 ADJOURNMENT

- a) With nothing further, the meeting was adjourned at 5:14 p.m.

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

Duly adopted this the 21st day of August, 2023 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Heidi L. Holland, CMC, NCCMC
Town Clerk