



**Town of Clayton
Town Council Work Session Agenda
Monday, August 1, 2022 @ 3:00 PM**

1. CALL TO ORDER

- a. Call to Order

2. ITEMS FOR DISCUSSION

- a. Unified Development Code Update Discussion and Next Steps

Presenter: Ben Howell, Planning Director

[Codify Clayton UDC Diagnosis Report Draft June 2022](#)

POTENTIAL ACTION: Receive Unified Development Code Update and Next Steps

- b. Closed session to discuss personnel in accordance with NC GS 143-318.11(a)(6)

Presenter: Kenya Walls, Human Resources Director

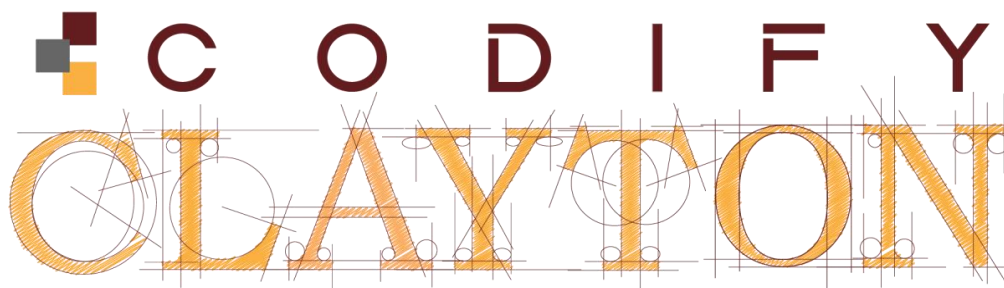
POTENTIAL ACTION:
Move to go into Closed Session.

Move to return to Open Session.

3. ADJOURNMENT

- a. Adjournment

POTENTIAL ACTION: Move to Adjourn



UNIFIED DEVELOPMENT CODE DIAGNOSIS REPORT

June 23, 2022 (Draft)

7 KEY THEMES FOR UDC IMPROVEMENT:

1. Make the regulations more user-friendly

Use an intuitive alphabetical structure for articles; include navigational aids; prepare a new dynamic page layout; greater use of numbered statements rather than prose paragraphs; more illustrations; standardized procedural language; clear, measurable decision making criteria

2. Implement the Town's Adopted Policy Guidance

Implement the FLUM; foster increased design quality; support development of mixed-use employment centers; create more mobility and transportation alternatives; more employment uses; more housing choices; protect downtown character while fostering higher densities; more parks and greenways

3. Raise the bar for development quality and design

Provide greater clarity about the standards; add new single-family residential design guidelines and a suite of new design standards; establish a new approach to pedestrian facilities, incorporate stormwater innovation, adjust numerous development standards (parking, lighting, open space, etc.); limit off-premise signage, add new use standards

4. Ensure the development review process is predictable

Supplement with more purpose and intent statements; better clarity on exemptions; use uniform procedural language/structure; add comprehensive standards for conflicts; add missing procedures (development agreement, annexation, etc.); the pre-application process; clarify expiration and vesting rules; reduce reliance on special use permits; clarify subdivision rules/procedures

5. Incorporate incentives and flexibility

Add sustainable development incentives, incorporate an administrative adjustment procedure, relax some standards in downtown, apply a tiered approach to conditional zoning, conservation subdivisions, alternative minimum compliance, allow density bonuses, incorporate menu based design standards

6. Foster re-use and redevelopment

Relax or soften some development requirements in Downtown, adopt a flexible approach to addressing nonconforming site features, use infill development standards, waive some infrastructure requirements for redevelopment, promote mixed-uses by-right in redevelopment areas, recognize adaptive re-use as a use type in existing non-residential structures in redevelopment areas

7. Provide a greater range of housing choice

Allow a wider range of by-right housing, allow more small house/small lot options, encourage accessory dwelling units, permit more multi-family and townhouse development subject to new standards, add standards for tiny homes and live/work units



INTRODUCTION



In 2021 the Town of Clayton adopted *Think Clayton* – the 2045 Comprehensive Growth Plan, a comprehensive land use plan for the Town’s growth and development over the next 20 years. The plan envisions Clayton as a thriving, diverse community with continued small-town ambiance and character. The plan seeks to manage and direct growth in order to promote high quality housing options, mobility and transportation choice, employment opportunities, a wide range of recreational alternatives, a vibrant downtown, and continued quality of life for residents and newcomers.

The Town’s Unified Development Ordinance (UDC) is the primary set of regulations pertaining to the use and development of land, and the main tool for implementing the Town’s policy guidance like *Think Clayton*. With the adoption of *Think Clayton*, and similar efforts such as the ongoing update to the Downtown Master Plan and preparation of a new NC 42 small area plan, the UDC needs to be updated to align with the community’s policy objectives. The Codify Clayton project is focused on creating a new set of development regulations (a new unified development ordinance) to replace the current UDC.

This document, the Unified Development Code Diagnosis Report, contains a review of the Town’s current UDC and a series of recommendations for the establishment of a new Unified Development Ordinance (or “UDO”) as part of the Codify Clayton project. These recommendations are developed based on a series of stakeholder interviews, input from Town staff, and the consulting team’s review of the current regulations and policy guidance. This report describes the key recommendations for the new UDO and provides a framework for discussion about how Clayton’s development regulations should evolve.

Following a review by Town staff, and additional input from the project Advisory Committee, the public, and the Town Council, this Diagnosis Report will become the blueprint for the new UDO, and the UDO will be prepared in accordance with the recommendations included herein. Recommendations are organized into 8 key themes for improvement, and the report provides a detailed analysis of the development-related policy direction from numerous adopted policy documents (in Key Theme 2) as well as a detailed review of every section in the current UDC along with suggestions for revision (provided in the appendix).

This document, and all copies of draft material prepared for the UDO along with additional supporting information, is provided on the project website: www.codifyclayton.com.



KEY THEMES FOR IMPROVEMENT

The Unified Development Code (or “UDC”) is a legal document that contains many of the Town’s laws and regulations pertaining to the use and development of land in the Town’s planning jurisdiction (the area within the corporate limits and the extra-territorial jurisdiction). The Town’s current UDC was recently revised in February of 2021 in order to comply with changes to the State’s planning enabling legislation (often referred to as Chapter “160”). While these revisions are recent, they were highly technical and focused primarily on compliance with State law instead of addressing changes to the Town’s adopted policies. The Codify Clayton project seeks to make further revisions to the UDC to bring into compliance with the Town’s adopted policy guidance and modern best practices for development regulation.

In January of 2022, the Town issued a Request for Qualifications (RFQ) for qualified firms to assist the Town with updating the Unified Development Code. According to the RFQ, the focus for the project is to:

- Prepare an updated and modernized UDC;
- Help Town staff better regulate development in a fast-paced growing environment;
- Prepare regulations that are consistent with the 2045 Comprehensive Growth Plan;
- Integrate several related regulations (flood damage prevention, stormwater, soil erosion) into the new development ordinance; and
- Create a regulatory document that may be digitally modified and self-codified by the Town.

This Diagnosis Report provides a summary of the results of review of the current UDC, a summary of input about necessary improvements to the UDC and development review process from Town-identified stakeholders (summary report included in appendix), and a set of eight recommendations for revision to the Town’s development regulations in pursuit of the bullet points above.

Generally speaking, the current UDC is a forward-looking document that has sought to protect the Town’s small-town character and promote high-quality, walkable development. However, the UDC was drafted under a set of different market conditions (pre-Great Recession) and has been difficult to administer in some cases, particularly in downtown. This report considers some of the issues with the current regulations and recommends solutions to the challenges facing the Town.

Recommendations for improvements to the UDC have been organized into a series of seven themes for improvement, with each theme addressing a group of related topics like ease of use, implementing policy guidance, or addressing incentives and flexibility. In many cases, the recommendations included in these themes are proposed as a means bringing the Town’s development requirements into closer conformity with modern best practices in land use regulations seen in comparable communities across the nation. The seven key themes are:

1. **Make the regulations more user-friendly;**
2. **Implement the Town’s Adopted Policy Guidance;**
3. **Raise the bar for development quality and design;**
4. **Ensure the development review process is predictable;**
5. **Incorporate incentives and flexibility;**
6. **Foster re-use and redevelopment; and**
7. **Provide a greater range of housing choice**

Each key theme is discussed in greater detail in the following pages.



KEY THEMES FOR IMPROVEMENT - #1. Make the regulations more user-friendly

One hallmark of user-friendly development codes is their ease of use for applicants, landowners, Town staff, and Town officials. Codes that are easy to use avoid jargon in favor of plain English and rely on consistent terminology. They have an intuitive structure and are highly illustrated. Some of the other user-friendly features proposed for the Town's UDO are listed in the table below. Example illustrations from other modern development codes provided on the pages after the table. Inclusion of these kinds of features will help make the Town's regulations more predictable and easier to administer.

1.1. Create an Intuitive Document Structure	An intuitive document structure is one that places "like" or similar topics together in their own articles (like all the procedural-related material in its own article). Articles are arranged in an alphabetical order and structured so that the most frequently-used articles are closest to the front of the document. Sections within each article are also organized alphabetically to simplify searching in the paper version of the document. The following is a potential chapter sequence for the new Clayton UDO: 1. Administration 2. Definitions 3. Development Standards 4. Environmental Standards 5. Infrastructure 6. Measurement 7. Nonconformities 8. Procedures 9. Uses 10. Zoning Districts
1.2. Include Navigational Aids	Navigational aids help readers move through the document quickly while at the same time helping them to keep track of where they are. One important feature is the inclusion of page headers that identify the main contents on the page. Other aids include a series of hyper-linked chapter-based tables of contents, a hyper-linked index (at the back or front of the code), a glossary of abbreviations, and inclusion of hyper-linked cross references throughout the document. Hyper-linked text allows a user of the digital version of the code to simply click on hyper-linked text and be transported to the linked location automatically.
1.3. Establish a New Page Layout	A document's page layout can have a profound effect on a reader's ability to quickly find and absorb desired information. Each code section should be numbered to allow easy navigation and easy identification during conversation. The typeface should blend colors, capitalization, and other attributes to show relationships between headings, lists, and body text. The indentation of text (also called "nesting") provides a quick visual framework of the relationship between text. Text located below and to the right of a heading belongs to that heading. Finally, having ample white space is important to allow the reader's eyes to rest and provide room for annotation on the paper version.



KEY THEMES FOR IMPROVEMENT - #1. Make the regulations more user-friendly

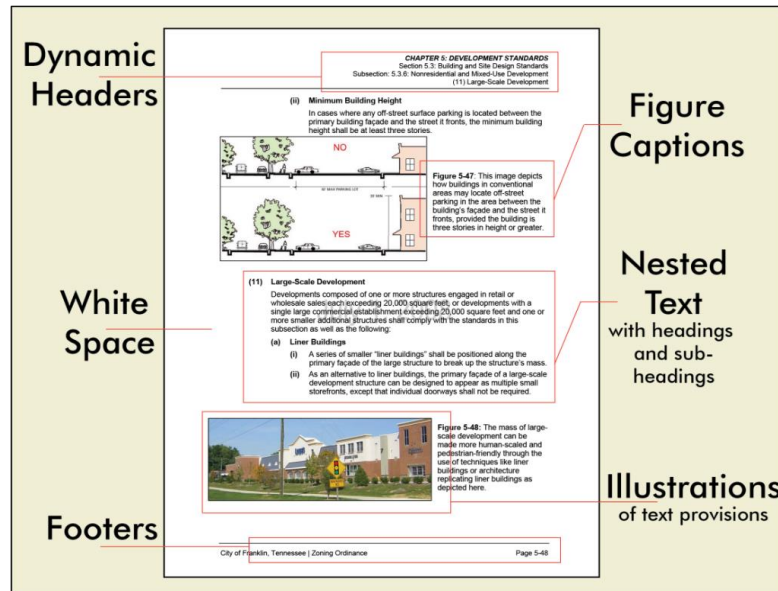
1.4. Remove Prose in Favor of Numbered Statements	Paragraphs comprised of multiple sentences can make it difficult to interpret requirements and alternatives. User-friendly codes are typically organized in short, numbered sentences or statements that allow the reader to quickly grasp the standards without having to “unwind” multiple ideas included in a single paragraph.
1.5. Increase Reliance on Illustrations	Illustrations are an important part of any development code. They provide detail on the purpose and intent behind the standards, examples of preferred forms of development, demonstrate how standards (like measurement) work in practice, and can even provide examples of how not to configure development. While the text always controls, illustrations are vital to helping convey detailed and complex regulatory concepts. User-friendly codes use illustrations to show review processes, design standards, development standards (like landscaping) and how measurements are determined.
1.6. Standardized Procedural Language	One of the key elements of a development code is procedural clarity and a thorough description of the application review procedures (particularly when there are multiple approvals or procedures involved). While each application procedure is slightly different, the use of a standardized description can make the language easier to follow. For example, each procedure should include a section on purpose and intent, applicability, exemptions, the review process, who decides the application, the criteria they will use, how the applicant is notified, the effect of the approval, how the approval may be amended, if and how the approval can expire, and how an appeal of the decision may be requested. Procedural flow charts can also be helpful in showing the steps in the review process.
1.7. Consolidate Information into Summary Tables	Summary tables are an excellent way to organize and present volumes of information. Many development codes use summary tables to show the zoning districts where particular uses are allowed, or the off-street parking requirements for particular use types. Tables are also excellent ways to organize zoning district dimensional information, landscaping requirements, screening options, and definitions. The new UDO should use summary tables wherever possible.
1.8. Add Clear, Measurable Criteria for Decision-Making	To be predictable and legally-defensible, development codes must rely on clear, measurable criteria and standards. With the exception of decisions reserved to the legislative discretion of the Town Council (like rezonings) all decision-making criteria should be measurable (and numerically-quantifiable, where possible). At a minimum, the criteria used for making a decision must be incorporated into the document.
1.9. Prepare a Procedures Manual or Application Forms	One way to reduce bulk in a development code is to relocate application forms, submittal requirements, plat certification statements, plant lists, and other non-regulatory elements to an outside procedures manual. This allows these items to be revised without amending the development ordinance and creates one place for applicants to find all relevant application materials.

The following pages provide some examples of illustrations, graphics, and summary tables similar to those proposed for the new UDO.



KEY THEMES FOR IMPROVEMENT - #1. Make the regulations more user-friendly

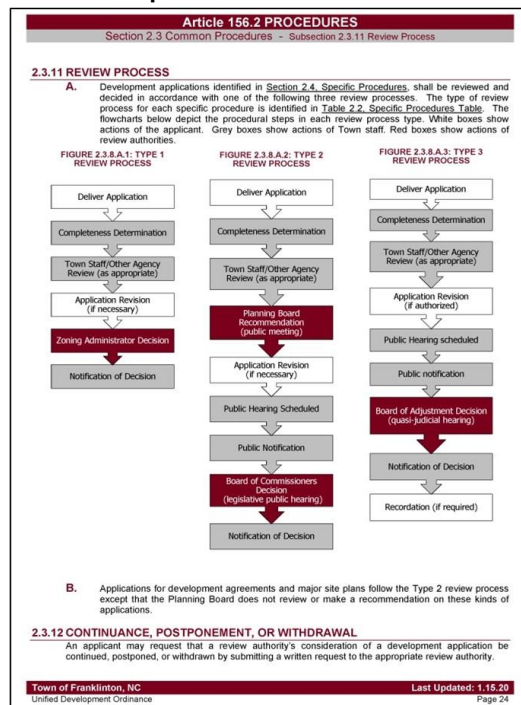
Example Page
Layout Elements



Example Illustrations



Example Procedure Flowcharts



UDC Diagnosis Report - June 2022

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CODIFY
CLAYTON

KEY THEMES FOR IMPROVEMENT - #1. Make the regulations more user-friendly

Example Zoning District Summary Pages (purpose, dimensional requirements, development layout)

Chapter 3: Zoning Districts
SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS
Subsection 3.4.2: Single-Family Residential-Mainland (SFM) District

3.4.2. Single-Family Residential-Mainland (SFM) District^a

SFM

SINGLE-FAMILY RESIDENTIAL MAINLAND

A. DISTRICT PURPOSE
The Single-Family Residential-Mainland (SFM) district is established to accommodate low-density residential neighborhoods and supporting uses on isolated Currituck County outside of full service areas. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic views from the Currituck Highway, or place undue stress on the county's educational infrastructure. A variety of residential use types are allowed in the district, including single-family detached homes, manufactured homes on their own lots, detached accessory dwelling units, as well as duplexes (with a use permit). The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, schools, and similar uses. This district also includes the conservation subdivision option with the ability to accommodate up to two units per acre in full service areas designated on the future land use map of the Land Use Plan. Major utilities require approval of a use permit, while commercial, office, and industrial uses are prohibited.

C. LOT CONFIGURATION

B. LOT PATTERNS

CURRITUCK COUNTY, NC UNIFIED DEVELOPMENT ORDINANCE
PUBLIC REVIEW DRAFT | AUGUST 2011

3.11

Chapter 3: Zoning Districts
SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS
Subsection 3.4.2: Single-Family Residential-Mainland (SFM) District

D. TYPICAL BUILDING FORMS

E. BUILDING CONFIGURATION

F. DIMENSIONAL STANDARDS

	TD	CS		TD	CS
Max. Gross Density - Traditional Dev. (dules)	1.0	-	Min. Front Setback (ft) [3]	20	N/A
Max. Gross Density - Conservation Subdivisions	-	1.5	Min. Corner Side Setback (ft) [4]	20	N/A
In Limited Service Areas (dules)	-	2.0	Min. Major Arterial Street Setback (ft)	50	50
In Full Service Areas (dules)	-	2.0	Min. Side Setback (ft)	10	N/A
Max. FAR (%)	0.40	N/A	Min. Rear Setback (ft)	25	N/A
Min. Lot Area (sf ft)	40,000	N/A	Min. Agriculture Setback (ft) [5]	50	50
Max. Lot Area (acres)	N/A	10	Min. Accessory Use Setback (ft) [6]	10	3
Min. Lot Width, Interior Lot (ft) [1]	125	N/A	Min. Driveway/Parking Setback (ft)	10	N/A
Min. Lot Width, Corner Lot (ft)	135	N/A	Min. Setback from all Lot Lines (ft)	10	10
Max. Lot Depth	[2]	N/A	Min. Building Height (ft)	35	35
Max. Lot Coverage (%)	30	N/A	Min. Wetland/Surface Water Setback (ft)	50	50
			Min. Spacing Between Buildings (ft)	10	3

[1] All lots shall maintain a minimum street frontage of 35 feet
[2] Lot depth shall not exceed four times the lot width
[3] Front setbacks shall be measured from ultimate RCW line
[4] Driveways shall provide access from street with less traffic
[5] Applied to subdivisions approved after 10/01/2011
[6] Prohibited in front of principal building when principal building is less than 300 feet from street

CURRITUCK COUNTY, NC UNIFIED DEVELOPMENT ORDINANCE
PUBLIC REVIEW DRAFT | AUGUST 2011

3.12

Precedent Images Showing Preferred Development Forms

Section 3.18: Planned Development (PD) Districts CHAPTER 3

TABLE 3.18.E.2: PDD DESIGN PRINCIPLES^a

b. Buildings or building walls are built close to the edge of the sidewalk.

c. Off-street parking is setback at least 20 feet from the sidewalk and located to the rear of the lot, behind building walls, or behind screening.

d. The district is established based on a fine-grained street network with block faces no less than 500 feet long and block sizes no more than 100 feet wide. New streets extend and continue the grid system.

City of Burlington Unified Development Ordinances
Last Updated 12.3.19

3.55a

CHAPTER 3: Section 3.18: Planned Development (PD) Districts

TABLE 3.18.E.2: PDD DESIGN PRINCIPLES^a

e. Public gathering areas are located on sidewalks in front of building facades. These areas include spaces for seating, outdoor dining, public art, and places for vendors.

f. Buildings are configured with pedestrian-oriented front facades that include large display windows, building articulation that avoids large monolithic building walls facing architectural interest, primary entrances that face the sidewalk, and protection from the weather for pedestrians.

g. Signage is configured for view by pedestrians on sidewalks, not persons in automobiles.

3.54a City of Burlington Unified Development Ordinances
Last Updated 12.3.19



KEY THEMES FOR IMPROVEMENT - #1. Make the regulations more user-friendly

Annotated Photos Illustrating Design Standards

ARTICLE 151.5 Development Standards
5.1 Design Standards
5.1.1 Multi-Family Residential Design Standards

FIGURE 5.1.1.D.4: MULTI-FAMILY BUILDING ORIENTATION

LEGEND

- 1 Primary Building Entrance
- 2 Parking Street
- 3 Corner Design Element
- 4 20' x 4' Maximum Length
- 5 Common Open Space

5. Building Features

a. Developments abutting street corners shall provide one or more of the following elements on the building facades closest to the intersection:

1. Placement of shared pedestrian entry.
2. A distinctive roof form such as a mezzanine, projection, lower, turret, pediment, or other.
3. Other architectural features such as a porch, canopy, or arcade (see Figure 5.1.1.D.5: Multi-Family Corner Features).

FIGURE 5.1.1.D.5: MULTI-FAMILY CORNER FEATURES

b. Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a similar level of quality and architectural detailing on all sides facing:

1. A street.
2. Abutting existing single-family detached development, and
3. Vacant land designated as a single-family district on the Official Zoning Map.

6. Facade Articulation

Camden County Unified Development Ordinance 5-6 Last Updated: February 4, 2019

ARTICLE 151.5 Development Standards
5.1 Design Standards
5.1.1 Multi-Family Residential Design Standards

a. Street-facing building facades shall be articulated with wall offsets at least two feet deep for every 30 feet of facade frontage (see Figure 5.1.1.D.6: Multi-Family Facade Articulation).

b. In addition to wall offsets, front facades facing streets shall provide a minimum of three of the following articulation elements:

1. A covered porch;
2. One or more dormer windows or cupolas;
3. Pilars, posts or pilasters;
4. One or more bay windows with a minimum twelve-inch projection from the facade plane;
5. Multiple windows with a minimum of four-inch-wide trim;
6. Raised corniced parapets over the door;
7. Eaves with a minimum of four-inch-wide trim; or
8. Integral planters that incorporate landscaped areas and/or places for sitting.

c. Side facades shall maintain at least ten percent of the facade area as windows.

FIGURE 5.1.1.D.6: MULTI-FAMILY FACADE ARTICULATION

LEGEND

- 1 Primary Facade
- 2 Minimum 2' Articulation
- 3 Every 30 linear feet
- 4 Covered Porch
- 5 Multiple Windows
- 6 Eaves

7. Roof Form

a. Development shall incorporate roof pitches between 3:12 and 12:12, or shall incorporate a three-foot parapet with a dimensional cornice around a flat roof.

b. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features (see Figure 5.1.1.D.7: Multi-Family Roof Form).

c. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured to the degree practicable, to have a minimal visual impact as seen from the street.

FIGURE 5.1.1.D.7: MULTI-FAMILY ROOF FORM

LEGEND

- 1 Roof Pitches Between 3:12 and 12:12
- 2 3' Parapet With Dimensional Cornice on Flat Roof
- 3 Alternative Pitches Permitted Over Doors and Other Features
- 4 Roofline Changes Corresponding to Facade Plane Changes

Camden County Unified Development Ordinance 5-7 Last Updated: February 4, 2019

Sign Standards Organized as Summary Tables

Section 5.6: Signage CHAPTER 6

TABLE 5.6.1: SIGN STANDARDS BY SIGN TYPE

7. Political Signs

LEGEND

- 1 Maximum Height = 6' Above Adjacent Grade When on an Individual Lot; 42" Above Pavement of Adjacent Roadway when in a Street Right-of-Way
- 2 Maximum Sign Face Area within ROW = 6 sf
- 3 Maximum Sign Face Area on a Lot = 32 sf
- 4 No Min. Setback from Lot Line

a. Definition

Any sign that advocates for a particular political candidate, party, position, or political action that is made available for view by the public before and during the portion of a calendar year when elections are underway as described in Section 136-32 of the North Carolina General Statutes. Political signs are also referred to as "campaign" signs, "election" signs, "signs of political nature" that are placed on private property outside the period of time when elections are underway shall be considered as incidental signs.

b. Zoning Districts Where Permitted

Residential: R-CR	HX & PD	OI & COI	HB	GB & CB	CBD & PDD	Neighborhood: N-CR
Yes	Yes	Yes	Yes	Yes	Yes	Yes

c. Dimensional Standards

Maximum Number of Political Signs Per Lot	6 [1]
Maximum Height	In right-of-way: 42 inches above the adjacent roadway; 60 inches above adjacent grade
Maximum Sign Face Area	In right-of-way: 60 square feet per sign; On an individual lot: 32 square feet per sign
Minimum Setback from Lot Line	None
Minimum Separation between Political Signs	10 ft

NOTES:

- [1] There is no limit on the number of political signs that may be placed within the right-of-way in front of a lot during the portion of the year when elections are underway provided the owner of the sign obtains the consent of the lot owner to place the sign in front of the lot.
- [2] No political sign may be placed in any manner that obscures another sign or view.

d. Additional Standards

- Political signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.
- Political signs may not be placed on utility poles or traffic control signal poles.
- Political signs may be placed in the right-of-way only during the period of time when elections are underway as identified in Section 136-32 of the North Carolina General Statutes.
- Political signs may not be illuminated.
- Political signs found to be in violation of these standards shall be subject to the applicable standards in Section 136-32 of the North Carolina General Statutes may be removed by the Zoning Subdivision Administrator.

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City of Burlington Unified Development Ordinance

Last Updated: 12.3.19

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CHAPTER 6 Section 5.6: Signage

TABLE 5.6.1: SIGN STANDARDS BY SIGN TYPE

8. Projecting Signs

LEGEND

- 1 Max. Height: Wall on Which Sign is Mounted
- 2 Min. Clearance Over Sidewalk or Vehicular Access: 9'
- 3 Max. Sign Face Area: 40 sf
- 4 Max. Encroachment into Required Yard: 6'
- 5 Max. Projection into Right-of-Way: 36"
- 6 Minimum Distance from Back of Curb: 2'

a. Definition

Any sign that projects outward from a building interior or wall where the sign face area is not parallel to the building wall upon which it is mounted. Projecting signs are also referred to as "marquee" signs, "signs mounted for building wall with sign face area that is parallel to the building wall" or "wall signs." A sign comprised of fabric or similar material is a "flag" or "banner" sign.

b. Zoning Districts Where Permitted

Residential: R-CR	HX & PD	OI & COI	HB	GB & CB	CBD & PDD	Neighborhood: N-CR
Yes	Yes	Yes	Yes	Yes	Yes	Yes

c. Dimensional Standards

Maximum Number of Projecting Signs Per Lot	One per building facade
Maximum Height	A projecting sign shall not project above the height of the wall it is mounted to [1]
Maximum Sign Face Area	40 square feet [2]
Minimum Setback from Lot Line	A projecting sign shall not encroach into required yard by more than 6 feet [3]

NOTES:

- [1] Any projecting sign that projects into right-of-way or that projects over a sidewalk or vehicular access way shall maintain a minimum clearance of at least 9 feet above grade.
- [2] Projecting signs with blades may have up to 80 square feet of sign area.
- [3] A projecting sign shall not project to right-of-way by more than 36 inches, and shall maintain a minimum of two feet of horizontal distance from the back of the curb.

d. Additional Standards

- Projecting signs of 15 square feet or less shall be considered incidental signs.
- Any electrical wiring shall be located within the sign or the wall it is affixed to.
- Signage that is subject to the standards identified in Section 136-32 of the North Carolina General Statutes shall be removed by the Zoning Subdivision Administrator.

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City of Burlington Unified Development Ordinance

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KEY THEMES FOR IMPROVEMENT - #2.

Implement the Town's Adopted Policy Guidance



The Town's Adopted Policy Guidance consists of the adopted plans, studies, and policy statements that direct and inform day-to-day decision making on land use matters (like rezoning applications) and capital improvement projects. The adopted policy guidance establishes and promotes the Town's vision for its future and how that vision can best be realized. It describes the Town's desired development patterns and its future configuration. The Town's adopted policy guidance includes the 2045 Comprehensive Growth Plan, the Johnston County Comprehensive Transportation Plan, the Parks and Recreation Plan Update, the draft Clayton Pedestrian Plan, the Comprehensive Bicycle Plan, the Downtown Master Plan and the JCMH/NC 42 West Small Area Plan. This is a considerable amount of policy guidance to address.

The table below provides a summary of land use-related recommendations and strategies in the 2045 Comprehensive Growth Plan. This is the key guidance to be implemented by the new UDO. It is important to note that the update to the Downtown Master Plan and the NC Highway 42 Small Area Plan will be underway concurrent with the drafting of the UDO, and that guidance will need to be addressed as the UDO drafting moves forward. For now, the Diagnosis Report is primarily concerned with the guidance from the Comprehensive Growth Plan, which is summarized in the table below.

2045 COMPREHENSIVE GROWTH PLAN	
POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
Land Use and Housing	
LU 1.1.2: Support varying densities based on the Future Land Use Map	Match up current zoning districts to FLUM land use categories, make adjustments to existing districts where possible, add new districts (like multi-family and mixed-use) where current districts cannot be sufficiently modified to fit with FLUM recommendations
LU 1.1.3: Review and update the UDC (and the 2006 General Design Guidelines)	Incorporate a new set of design standards for commercial, retail, and mixed-use development
LU 1.2.1: Encourage high quality design in commercial and mixed use development	



KEY THEMES FOR IMPROVEMENT - #2.

Implement the Town's Adopted Policy Guidance

2045 COMPREHENSIVE GROWTH PLAN

POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
LU 1.2.2: Encourage high quality design in residential projects	Incorporate a new set of multi-family design standards and establish a voluntary set of single-family detached residential design guidelines that include density bonuses
LU 1.3.1: Ensure the scale of non-residential development is consistent with the FLUM	Establish square footage limits for non-residential development in the lower-intensity non-residential zoning districts as well as new design standards for large format retail uses
LU 1.4.1: Ensure a mix of non-residential land uses in Employment Centers	Establish a 3-tier use classification system and ensure that the zoning districts corresponding the Employment Center classification include provisions for including use types from two or more different commercial use categories
LU 1.4.2: Discourage residential subdivisions in prime industrial locations	Indicate major residential subdivisions as a use type and prohibit major residential subdivisions in industrial zoning districts; Ensure that designated employment centers permit multi-family, office, and commercial with industrial uses
LU 1.4.3: Allow for integration of compatible uses in Employment Centers	
LU 1.6.1: Focus growth in and near Community Centers, Neighborhood Centers, and Downtown	Allow for higher densities and intensities in zoning districts that correspond to community and neighborhood centers. Explore ways to equalize the likelihood of development in or near downtown versus new greenfield sites
LU 1.6.2: Require vehicular interconnectivity between existing and future development	Establish a new street network connectivity index, existing street continuation standards, and street stubs to vacant lots standards. Consider alley requirements for downtown and incentives for alleys elsewhere
LU 1.6.3: Require development to integrate sidewalks internally and provide external pedestrian connections to existing and future adjacent development	Add standards that require sidewalk and sidepath construction in accordance with the Pedestrian Plan, where applicable. Incorporate incentives for sidewalk extensions where such extensions can provide missing connections or establish pedestrian access to parks, schools, or greenways
LU 2.1: Encourage the redevelopment or adaptive reuse of under-utilized commercial development	Establish applicability provisions for each set of development standards and infrastructure requirements that require a continuum of compliance with these standards based on the level of investment proposed- lesser investments have lower compliance thresholds



KEY THEMES FOR IMPROVEMENT - #2.

Implement the Town's Adopted Policy Guidance

2045 COMPREHENSIVE GROWTH PLAN

POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
LU 2.2.1: Identify gateway locations and establish a visible gateway design standard	Establish a gateway corridor overlay district framework that establishes the district, the procedure for establishment, and a series of basic standards applicable to all gateway overlay sub-districts (each gateway or gateway corridor sub-district would likely have different standards given its location and context)
LU 2.2.2: Use the Thoroughfare Overlay district to enhance the aesthetic appearance of businesses in the overlay	Identify the key standards in the current Thoroughfare Overlay district, convert these to generally applicable standards to commercial or mixed uses, or embed them in the Gateway Corridor Overlay framework
LU 2.2.3: Update the Thoroughfare and Downtown Overlays to support Town character and enhance aesthetics along roadways	
LU 2.3.1: Require street trees in new developments in most commercial and residential districts	Establish new street tree standards that distinguish between zoning district and street type, where higher density areas require faster-growing more columnar trees and less dense areas allow slower growing trees with broader spreads. Allow for understory trees to be used in areas of utility/infrastructure conflict and allow a streetscape buffer option (on private land) with accelerated requirements
LU 2.3.2: Update the road cross sections to incorporate planting strips, sidewalks, and landscaped medians	Include cross-references to the comprehensive plan or other engineering specifications rather than establishing street section standards in the UDC; Ensure UDC language allows for staff interpretations to help avoid creation of inconsistencies
LU 3.1.1: Negotiate with developers to provide a range of quality housing types	Provide a density bonus for single-family attached/detached residential that complies with the single-family design guidelines; create small lot/small house use types, allow conservation subdivisions in some areas, allow ADUs and duplexes by-right in residential districts, remove special use permit requirements for multi-family
LU 3.1.2: Encourage higher density housing types to be located proximate to services, amenities and infrastructure when located within larger developments	Allow side and rear setback reductions for dwelling units located within 1,000 linear of a park, greenway, or private common open space area that incorporates active recreation features



KEY THEMES FOR IMPROVEMENT - #2.

Implement the Town's Adopted Policy Guidance

2045 COMPREHENSIVE GROWTH PLAN

POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
LU 3.1.3: Allow higher densities in certain areas (by-right townhomes and apartments, smaller lot homes, higher densities proximate to downtown or commercial areas, and accessory dwelling units)	Review densities generally and align with the FLUM designations in the comprehensive plan; allow a wider range of residential use types by right
LU 3.1.4: Encourage or require a mix of lot sizes in some areas	Designate infill areas and allow contextual lot sizes, widths, and setbacks; incorporate lot area variation guidance in the single-family design guidelines (optional, but can be proposed as part of conditional rezoning)
LU 3.1.5: Use conditional zoning to establish a wider range of housing types and styles	Establish 3 tiers of conditional zoning: limited use, limited standards, and master planned – provide guidance on options for meeting development quality expectations applied to master planned conditional districts
LU 4.1.1: Provide uniform standards for minimum housing quality	
Downtown	
DT 1.1.1: Continue to apply standards but also consider modifications to encourage flexibility while preserving Downtown character	Incorporate applicability continuum provisions to all development standards and some infrastructure requirements (like sidewalks) that align requirements for UDC compliance to the level of investment being made – use changes, addition of site features, or minor expansions would have lower thresholds of compliance than would new buildings on vacant lots
DT 1.1.2: Revise the boundaries of the Downtown Overlay in accordance with the FLUM (explore requirements for active ground floor uses, revise the review process to allow innovation, foster more dialogue)	Incorporate boundary results from on-going Downtown Master Plan update; Suggest requirements for configuring the ground floor of new buildings for commercial or non-residential use, but allowing the first floor to be used for residential purposes (allows the market to determine amount of 1 st floor non-residential); Consider allowance for micro-commercial or incubator space arrangements where commercial floor area may be divided up into multiple smaller modules without need for zoning approval (building permit review still required); Allow first floor residential units that are constructed in accordance with applicable State accessibility standards
DT 1.1.3: Update and incorporate design provisions from the Design Manual into the UDC	Establish a new set of design standards for multi-family, commercial, retail, and mixed-use development (along with voluntary design guidelines for single-family attached/detached development)



KEY THEMES FOR IMPROVEMENT - #2.

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2045 COMPREHENSIVE GROWTH PLAN

POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
DT 1.3.2: Determine barriers and solutions to downtown redevelopment of existing structures and sites	Incorporate applicability continuum provisions to all development standards and some infrastructure requirements (like sidewalks) that align requirements for UDC compliance to the level of investment being made - use changes, addition of site features, or minor expansions would have lower thresholds of compliance than would new buildings on vacant lots
DT 1.3.3: Prepare a modified development review process for key Downtown areas	Delegate decision-making authority to staff wherever possible; soften 100% code compliance requirements for use changes, infill and minor expansions; (discuss the possibility of a two-tiered approach to flexibility mechanisms where lesser requests are considered administratively and larger requests are processed as quasi-judicial matters - but not as variances)
DT 1.4.1: Provide incentives for upper-story residential, increased density and enhanced commercial development quality	Remove density limits on upper-story residential dwelling units, live/work units, and ADUs in downtown; Suggest very basic design controls for downtown development focusing the public realm in front of a building and the primary building façade
DT 1.4.2: Allow increased densities in Downtown by right	Reconcile available densities with adopted policy guidance, including updated Downtown Master Plan currently in progress
DT 1.4.3: Explore downtown parking standards relative to peer communities	Suggest removing minimum off-street parking standards for downtown as a whole (except as required for accessible spaces), limiting off-street parking located between the front of a building and the street, and establishing maximum parking standards for surface lots
DT 2.1.4: Consider a larger role for the Town in historic preservation (a local district?)	Suggest <u>not</u> moving forward with a local historic district or COA procedure at this time
DT 2.2.1: Encourage development in the Downtown Neighborhood area to maintain existing character	Allow contextual lot dimension and building configuration (orientation, placement, height, size, roof type requirements); deviation from context associated with a new principal building should require a discretionary review
DT 3.3.4: Ensure new development replicates the established block pattern	Establish minimum and maximum block length and mid-block connection standards for downtown and associated areas indicated for similar development content in adopted policy guidance



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2045 COMPREHENSIVE GROWTH PLAN

POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
DT 3.4.3: Evaluate and suggest revisions to downtown parking standards	Suggest reducing minimum off-street parking standards for downtown as a whole, limiting off-street parking located between the front of a building and the street, and establishing maximum parking standards for surface lots; Consider downtown uses to provide no off-street parking via payment in-lieu (for the Town's use in constructing public parking)
Economic Development	
ED 1.2.1: Protect and market existing industrial areas including the existing biopharma district	Suggest disallowing new major residential subdivisions within industrial districts; Allow a range of residential options as permitted uses within designated employment center areas (e.g., live/work, upper-story residential, caretaker, etc.)
ED 1.2.2: Protect industrial land uses by encouraging compatible uses within and near Employment Center areas	
ED 1.5.2: Increase employment and redevelopment opportunities along key corridors (Hwy 70 Business & NC 42 at 70 Bypass interchange)	Add incentives for employment-generating uses in these areas
ED 3.1.1: Make sure lighting at night is sufficient in public parks, parking lights, and streets in downtown	Establish uniformity ratios and minimum lighting levels for parking lots and parks in the downtown area
Parks, Recreation, & Natural Resources	
PR 1.3.1: Work with landowners and developers to identify potential trail connections and require dedication of trail easements and greenway construction	Add new greenway standards that require dedication and construction if a greenway segment is located atop vacant property being developed; Configure standards to allow a fee-in-lieu or even exemption from requirements based on redevelopment or project cost; Credit greenway construction towards parkland and open space recreation requirements
PR 1.3.2: Ensure public greenway segments are built to minimum standards; allow private greenway segments to be constructed and credited towards open space standards (and meet min standards)	
PR 3.1.2: Acquire land for active and passive recreational facilities in park search areas (Park/Greenways System Map)	Re-align and clarify the open space standards to require parkland dedication or payment of fee-in-lieu for single-family detached residential subdivisions; Provision of private common open space for multi-family and other forms of residential (except single-family



KEY THEMES FOR IMPROVEMENT - #2.

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POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
PR 3.1.4: Coordinate with landowners, private development, other entities on incentives for parkland and greenways	detached); Provisions for dedicating and constructing greenways in cases where greenways are shown on vacant developing land regardless of use type; Establish standards for active and passive forms of recreation associated with open space set-aside; establish urban open space requirements for all residential and retail uses in Downtown that focus on gathering spaces, outdoor dining, murals, art, or other urban recreation features
PR 3.3.1: Modify UDC to increase open space requirements (at least 10%, higher preferable) incentive open space subdivision, consider "urban" open space requirements for developments over a threshold size	
PR 3.1.7: Prioritize connecting all parks, libraries, squares, and schools to bike/ped facilities	Add standards that require sidewalk and sidepath construction in accordance with the Pedestrian Plan, where applicable. Incorporate incentives for sidewalk extensions where such extensions can provide missing connections or establish pedestrian access to parks, schools, or greenways
PR 3.3.2: Incentives to encourage conservation design in areas with "high value natural resources"	Establish a new conservation subdivision option that permits density to double and setbacks to be reduced to 5 feet (20 on the front for off-street parking) provided at least 50% of the total tract is permanently set-aside and provided that all homes are fully screened from view from streets outside the development and from adjacent existing homes
PR 3.4.4: When making development decisions, consider use of properties at edges of public spaces. Should be active with uses that compliment adjacent public space - ground floor active uses; upper story balconies	Consider allowing for density bonuses of an extra unit per acre for lots that abut parkland or a greenway and require urban recreation facilities to be adjacent to existing greenways or multi-use trails
NR 1.1.1: Discourage development in PRCAs	Consider establishing a park and conservation district with a very limited range of allowable uses and apply this district to PRCA areas
NR 1.1.2: Encourage conservation of SRCAs as passive recreational amenities	Identify SRCAs as areas that should be located within required open space set aside and configured as a passive recreation area



KEY THEMES FOR IMPROVEMENT - #2.

Implement the Town's Adopted Policy Guidance

2045 COMPREHENSIVE GROWTH PLAN

POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
NR 1.2.1: Consider requirements or incentives for tree preservation in certain districts	Suggest an approach that allows retention of existing vegetation or reforestation (and reservation) of a portion of a site post-construction if retention is not pursued; Provide elevated credited towards minimum landscaping requirements for vegetation that is retained and used to meet landscaping provisions; Discuss ways to prevent, delay, or obscure clear cutting along existing streets
NR 1.2.4: Encourage the use of native plants and limit spread of invasive species	Add minimum threshold requirements for use of native plants within required landscaping areas; Add species diversity requirements; Consider requirements for removal of existing invasive vegetation
NR 1.3.1: Locate passive recreation areas next to PRCAs or SRCAs on adjacent parcels	Add open space set-aside location standards that identify areas adjacent to PRCAs or SRCAs as primary locations to set aside as open space devoted to passive recreation
NR 1.3.2: Consider requiring an ERM (Existing Resources Map) for larger development projects of over 20-50 acres	Include a procedure for preparation of an existing resources map for developments over certain size thresholds; Add standards clarifying that open space and some infrastructure aspects need to be configured in accordance with the ERM results
NR 2.1.3: Consider more restrictive impervious surface limitations in WSW	Suggest relying on district standards for maximum impervious surface limitations and requiring stormwater control measures for any increment of impervious surface exceeding 24 percent; Only allow impervious surfaces to exceed district maximums as permitted for small lot/small size residential options (conservation subdivisions, pocket neighborhoods, bungalow courts., etc.)
NR 2.1.4: Reserve 70% of remaining impervious surface allocation for non-residential development and employment centers	This proposal needs further discussion based on a better understanding of the remaining impervious surface allocation
NR 2.2.1: Encourage new development to mimic the natural pre-development runoff characteristics of sites	Suggest Town's stormwater standards be supplemented with new provisions limiting stormwater exiting a site to a non-erosive velocity; Consider modifying the State standard to apply stormwater management plan requirements to sites of less than one acre of disturbance (and single-family detached dwellings) in areas with slopes over a minimum threshold, in SRCAs, or other identified sensitive natural areas



KEY THEMES FOR IMPROVEMENT - #2.

Implement the Town's Adopted Policy Guidance

2045 COMPREHENSIVE GROWTH PLAN

POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
NR 2.2.2: Support innovative site/street design (discourage mass grading, allow clustering, exceed riparian buffer requirements, pervious pavement)	Establish a set of sustainable development incentives that permit increased densities, deviations from zoning district dimensional standards, and deviation from some (tbd) development standards for developments that: do not include mass grading, voluntarily deed restrict riparian buffers exceeding 50 feet, that do not fill in or disturb floodplains, that include pervious pavement or other LID approaches in vehicular areas, that include white rooftops, preserves stands of existing mature trees (above any beyond any tree preservation/reforestation requirements), connects sidewalk or greenway links in off-site areas, buries existing powerlines located off-site, or other features as permitted by the Town
NR 2.3.2: Evaluate provisions for urban agriculture	Permit urban agriculture to be credited toward active recreation requirements in cases where the agricultural area is owned and operated by an HOA and includes 1,000 sf of area per dwelling subject to the HOA
Services and Infrastructure	
SI 2.1.1: Ensure necessary infrastructure is in place, is funded, or is subject to a performance guarantee as part of development approvals	Review the current performance guarantee provisions for consistency with best practice; Establish a single, standardized fee-in-lieu procedure that can be used for all forms of infrastructure and site features (except stormwater)
SI 2.1.3: Require annexation to connect to the Town's water or wastewater system	Allow new development to receive water/sewer through execution of a development agreement in cases when satellite annexation cannot be achieved
SI 2.3.1: Support innovative site and street design that reduces the impact of the built environment on water quality, including exceeding riparian buffers, pervious pavements, rain gardens, bio-swales, and other stormwater features in new development	Establish incentives for LID in vehicular use areas
SI 5.1.1: Pursue underground or buried lines where existing overhead utilities are present and significant work in existing ROWs will occur	Establish incentives for burying existing off-site overhead utilities (all new on-site utilities should be required to be underground)
Mobility	



KEY THEMES FOR IMPROVEMENT - #2.

Implement the Town's Adopted Policy Guidance

2045 COMPREHENSIVE GROWTH PLAN

POLICY, STRATEGY, OBJECTIVE, ACTION	POSSIBLE DISPOSITION IN UPDATED UDO
M 1.3.2: Revise and simplify the Town's current cross sections to 10 or less and clarify when on-street parking and alleys are required on residential streets	Ensure the UDC cross-references street section configuration standards located in adopted policy guidance or other standard specification manuals; Suggest new requirements for all private streets to be built to public standards; Suggest new access standards that require driveways serving more than 3 lots to meet standards for private streets
M 1.3.3: Continue to advocate for adequate pedestrian and bicycle facilities that support pedestrian and transportation plans	Establish new sidewalk, greenway, sidepath, and multi-use trail standards that require dedication and construction where indicated (subject to redevelopment exemptions); Cross reference street standards (for bike lanes) in other documents
M 2.1.1: Continue to require TIA for developments meeting the 100 vehicle trips per peak hour threshold	Establish the TIA as a separate procedure
M 2.1.2: Require new developments to maintain interconnected streets with future street stub connections, new street connections tying into existing stubs, and on-street parking in areas where lots are less than 10,890 sf in area	Establish a new street network connectivity index, existing street continuation standards, and street stubs to vacant lots standards. Consider alley requirements for downtown and incentives for alleys elsewhere
M 2.1.3: Require nonresidential developments on adjacent lots with compatible uses to connect service streets and parking lots to minimize curb cuts	Supplement parking lot standards with cross-access requirements along collector and arterial streets applied to non-residential, mixed-use, and multi-family developments (but not industrial)
M 2.2.3: Support new UDC requirements for ROW dedication for road widening and new roads within new developments	Clarify that new development (including site plans) are subject to all street dedication and construction requirements in areas where the adopted policy guidance calls for a different street section (exempt changes of use and minor additions in redevelopment areas from these standards)
Arts & Culture	
AC 1.2.2: Allow developers unable to meet certain site requirements to include public art as an alternative (focus on mixed use and non-residential development)	Allow public art to be credited toward urban open space set-aside requirements and some design provisions within the downtown and in Gateway Corridor areas



KEY THEMES FOR IMPROVEMENT - #3.

Raise the bar for development quality and design

One topic consistently mentioned in the Town's adopted policy guidance and in discussions with Town leaders and stakeholders about Clayton's future is the need to "raise the bar" for development quality; or in other words, promote higher quality development. Clayton is already an attractive and desirable community and there is a strong desire encourage even higher quality development that is in keeping with the Town's small-town character. In this context, "higher quality" means development that is:

- Aesthetically pleasing and comprised of durable exterior materials;
- Compact and walkable in ways that allow residents and visitors to meet some of their daily needs without use of an automobile;
- Based on effective design techniques to help avoid or mitigate compatibility issues between different use types;
- Varied in terms of lot sizes, home sizes, and commercial building footprint configurations to provide for a diversity of use types, needs, and incomes; and
- Likely to contribute more to the Town's tax base due to higher property values.

While the aspects identified in the list above are important, they are not a comprehensive list. There are many techniques and methods for improving development quality, and the Town's land development regulations need to be reviewed for consistency with these methods. The table below provides a summary of key recommendations and strategies for incorporation into the Town's new UDO to raise the bar for development quality. There is a more-detailed summary matrix included in the appendix of this Report that provides a detailed review of all the sections of the Town's current UDC, including areas where raising the bar for development quality is indicated.

3.1. Provide Greater Clarity	The current UDC includes a few introductory sections explaining the purpose for individual sections. The UDO should be structured to provide clear purpose and intent statements, dimensional standards, design requirements, measurable criteria, and incentives for preferred forms of development.
3.2. Add New Single-Family Residential Design Guidance	The current UDC provides little in the way of design guidance for single-family detached and attached development, despite this being a key issue to address in the adopted policy guidance. The UDO will include a detailed set of voluntary design guidelines for single family detached and attached development that will address materials, porches, garages, variability, and other features. These are voluntary guidelines unless made part of a conditional rezoning request. The UDO will also include a density bonus of an additional unit per acre for developments voluntarily complying with the design guidelines.
3.3. Incorporate a Suite of New Design Standards	Modern development codes address site and building design in comprehensive ways. The new UDO is expected to include design standards for multi-family development, mixed-use, retail (including appropriate standards for large format retail uses), and non-residential development (including light industrial uses). Standards will include menu approaches where possible, and measurable approval criteria to aid in administration and compliance determination. New use standards will address design considerations for triplex, quadplex, and manufactured homes as well.



KEY THEMES FOR IMPROVEMENT - #3.

Raise the bar for development quality and design

3.4. Establish a New Approach to Pedestrian Facilities	The Town's adopted policy guidance addresses pedestrian mobility in a wide variety of ways, including sidewalks, multi-use paths, so-called sidepaths, and greenways. The new UDO will integrate these recommendations into a consolidated set of pedestrian facility requirements that will address macro-level mobility across the Town as well as micro-level mobility across individual sites. The standards must also balance between the need for macro-level mobility and disincentives for redevelopment due to the high costs of retrofitting pedestrian facilities on already-developed sites that do not already include pedestrian facilities.
3.5. Incorporate Stormwater Innovation	The Town operates its own stormwater system rules, which provides additional options for protecting water quality and elevating stormwater control measure design. The UDO should include incentives for low-impact-development treatment in parking lots, accelerated stormwater plan requirements in PRCAs and SRCAs, institution of a maximum exit velocity standard for stormwater leaving a site, and alternatives to screening retention basins based on their configuration as site amenities. In addition, the standards should specify annual maintenance requirements and protection of the ability of the Town to perform SCM maintenance as needed.
3.6. Adjust Off-Street Parking Provisions	The off-street parking provisions should be adjusted to provide a standard for all listed use types, and a maximum number of parking spaces should be added for many uses, including commercial and office uses, as well as limits on un-enclosed off-street parking in single-family neighborhoods. Parking lots should include shade tree requirements in the parking lot (instead of trees along the perimeter). The standards will also be supplemented to require screening of recreational equipment and limits on front yard parking in residential zoning districts.
3.7. Overhaul the Exterior Lighting Provisions	The UDO will include limitations on light trespass and glare through updated shielding requirements, footcandle limits at lot lines, uniformity ratios across parking lots, controls for recreational facility lights, and incentives for dark skies approaches (like timers and motion-controlled security lights).
3.8. Modernize the Open Space Standards	The Town has a wide variety of park and recreation standards that need to be consolidated and better integrated with one another. The UDO will recognize parkland dedication or open space set aside as an alternative with standards for active, passive, and urban forms of recreational amenities. The standards will clarify when payment in lieu is necessary (when neither parkland dedication, nor open space set-aside is proposed), as well as how greenway, pedestrian facilities, and landscaping may be credited towards these requirements. The UDO will place increased emphasis on the connection of greenways, open space, parkland, and natural areas.
3.9. Add a Street Connectivity Index Requirement	The UDO will comprehensively address street-connectivity, neighborhood access, and cul-de-sac configuration with a flexible street connectivity index that serves as a flexible tool to minimize cul-de-sac length, promote street stubs at the edges of new neighborhoods, and curvilinear streets with innovative techniques like single-loaded loops, closes, and traffic calming devices.



KEY THEMES FOR IMPROVEMENT - #3.

Raise the bar for development quality and design

3.10. Limit Off-Premise Signs	Recent rulings from the United States Supreme Court have lead to more complex sign regulations that focus on content neutrality. One aspect that becomes more difficult to address under a content neutral approach is off-premise signs. The UDO will clarify prohibitions of off-premise signage generally and prohibit any new off-premise outdoor advertising within the Town's planning jurisdiction.
3.11. Establish a Gateway Corridor Overlay District	Gateway corridors are major roadways and the lots that line them that serve as gateways into the Town. Overlay districts applied along these corridors typically incorporate four main requirements: • A sense of arrival in a community through visual markers, including open space to create distinction from other communities; • Increased attention to building façade appearance; • Reduced visual impact from private signage (reduced height, reduced size, high quality material, exterior illumination); and • Unity of public realm aspects like sidewalks, street furnishings, and landscaping. Each gateway corridor is different based upon the type of street involved, the adjacent community, and its location in Town. As a result, the gateway corridor overlay district establishes a basic framework of standards applied to all gateway corridor areas supplemented by location-specific standards for each individual gateway corridor developed by the Town over time. This is proposed to replace the current Thoroughfare Overlay corridor district, which will be absorbed into various use-specific standards.
3.12. Add New Use-Specific Standards	The current UDC does include several sets of use-specific standards, but lacks many common sets of standards, especially for non-residential use types that address separation, compatibility, and the safe operation of heavier or more intense development. The UDO will broaden the range of use-specific standards (applied everywhere, regardless of zoning district). This will help reduce the reliance on special use permits.



KEY THEMES FOR IMPROVEMENT - #4.

Ensure the development review process is predictable

A common refrain from members of the development community is that complying with the standards is not the problem – rather, its knowing what the standards actually are that is the problem. Many applicants, landowners, and residents alike need to know what the standards are in advance, and ensuring that there is sufficient clarity and predictability built into the review process. Making the development review process more predictable is one of the most beneficial economic development activities available, and clear and predictable review processes are hallmarks of a modern development code.

The recent 160D updates made to the UDC in 2021 include many procedural advances like a summary table of review responsibility, greater delegation of decision-making authority to Town staff, and increased uniformity in procedural language and structure. All these changes are important steps toward greater procedural predictability, but there is more that can be done. The table below sets out nine key recommended changes to the UDC to make the new UDO more predictable and easier to administer.

4.1. Supplement Purpose and Intent	Purpose and intent statements are invaluable in helping applicants, Town staff, residents, and elected officials discern what a particular procedure is intended to do, and the desired outcomes. These statements provide direction to applicants about what kinds of information is required and how to best achieve application approval.
4.2. Provide More Clarity on Exemptions	Inclusion of an applicability statements is vital to an effective development code. There should be no ambiguity about what kinds of development are subject to which application approvals. At the same time, it is equally important to know the cases when a particular application review process does not apply. For example, most forms of development require a building permit- but not all – accessory buildings with no dimension longer than 12 feet and fences under six feet in height are exempted from building permits. Each development review procedure should include a section on the circumstances or conditions that exempt development from that process.
4.3. Uniform Procedural Language	Consistency in procedural language helps readers navigate the basic steps and requirements. Each procedure should include the following sections in the same sequence: Purpose and Intent, Applicability, Exemptions, Application Filing, Procedure, Decision, Review Criteria, Sequence, Effect, Amendment, Expiration, Vesting, and Appeal. Some procedures may have additional subsections. Another important aspect to include is a procedural flow chart that graphically explains the steps in the process and provides additional information.



KEY THEMES FOR IMPROVEMENT - #4.

Ensure the development review process is predictable

4.4. Comprehensive Conflict Standards	Most development codes include a basic provision that in the case of conflict, the most restrictive provisions prevails. However, this is not always the case. For example, State law with respect to riparian buffer protection may be less restrictive than local rules, and without any special authorization to the contrary, the State rules control – even though they are less strict. Another example deals with allowable modifications, approved deviations, authorized adjustments, or conditions of approval. In some cases these kinds of authorization may be less restrictive than the generally applicable standards, yet the authorizations still control. Incentives are another example of a development approval that may not comply with the most restrictive standard, yet are fully lawful. It is also necessary to clarify how the development regulations relate to private covenants or agreements, how to handle distinctions between code text and code illustrations, and how to address nonconforming sites that don't fully comply yet should be allowed to redevelop anyway. A single unified section on conflict can address these issues and more while also explaining how the most restrictive standard is determined.
4.5. Add Missing Procedures	The UDC includes 15 different development review procedures that comprise the most typical types. However, with the consolidation of additional provisions like the special flood hazard area and stormwater, additional procedures are necessary. There are also a handful of other modern development review procedures that could be incorporated, including: administrative adjustments, annexations, building permits, certificates of occupancy, conservation subdivisions, determinations, development agreements, exempt subdivisions, expedited subdivisions, fee-in-lieu requests, fence permits, floodplain permits (and elevation certificates), performance guarantees, transfer plats, statement of no impact (on riparian buffers), stormwater permits, watershed permits. In addition the new UDO needs to provide additional detail about the process for determining unlisted uses, the enforcement process generally, and more details on the pre-application process.
4.6. Pre-Application Process	There were numerous comments from project stakeholders about the pre-application conference process; most of them not favorable. One of the biggest issues was a perceived lack of usefulness on the part of the applicant and receipt of comments from staff following initial application review that felt “at odds” with the discussions conducted during the pre-application conference. While the UDC's includes some fairly modern provisions about pre-application conferences, there is some room for improvement. For example, pre-application conferences should likely be conducted by the full TRC during its regular meetings so applicants can benefit from comments by all the different departments involved in plan review. Another suggestion was the preparation of a brief summary memorandum detailing the discussion of the pre-application conference. While these discussions are not binding, applicants indicated such summaries would help them prepare submittals that address TRC concerns. The Town may wish to soften the current requirement for almost all applications to undergo pre-application conference to remove the most simple ones from mandatory conferences (but continue to allow optional ones).



KEY THEMES FOR IMPROVEMENT - #4.

Ensure the development review process is predictable

4.7. Clarify Expiration and Vesting Rules	Almost all development approvals include some sort of expiration for failure to complete or make substantial progress on the development contemplated in the approval. Aside from building permit, the rules of expiration are largely open to local determination, and each and every application procedure should specify each of the following: The expiration date (if any) if substantial progress or some other required act is not undertaken, the ability to obtain an extension to avoid expiration (including what is required and the term of the extension), the basic vesting term of the approval under the statutes, and if a longer vesting term may be secured via a vested rights certificate. The vested rights certificate is used to accomplish two things: to establish a site-specific vesting plan if the associated development approval did not include a public hearing by the elected officials (like site plans and plats), and a means to allow an extended vesting term of up to five years for a site-specific vesting plan (the default timeframe for most site plans and subdivisions is two years; and this default vesting term is available regardless of whether or not the site plan or subdivision is approved as a site-specific vesting plan).
4.8. Reduce Reliance on Special Use Permits	Another area of significant comment by the project stakeholders interviewed at the beginning of the project was concerns over the current requirements for issuance of a special use permit for multi-family development instead of allowing these uses via a conditional rezoning or via a multi-family district. Similar concerns exist for duplex dwellings, townhouses, and accessory dwelling units. In fact, the use table in Article 2 of the UDC lists 85 different use types and 44 (over half) of them require a special use permit to be permitted in one or more current zoning districts (12 of the listed uses may only be established via a special use permit approval). One way to address an over-reliance on special use permits is to expand the range and depth of use-specific standards in order to codify the requirements typically applied during the somewhat more subjective special use permit review. Some uses should typically require special use permit review (like adult uses) but the Town's reliance on special use permits may be reduced and the development review process simplified by the addition of more use-specific standards and additional design and development standards focused on maintaining compatibility.
4.9. Clarify Subdivision Rules	The current UDC includes a single section (155.706) called Preliminary Plat Review for all subdivision-related procedures. This section includes all of the standards for major subdivisions, minor subdivisions, and recombinations, as well as final plats. These are different application review procedures with differing criteria and differing expiration, vesting, and effect provisions. The current standards do not address exempt subdivision review or establish the process for review of expedited subdivisions. There are a few provisions related to family subdivision, but no separate standards for these kinds of subdivisions (often referred to as "transfer plats"). One unique element of most preliminary plats is the construction drawing review and implementation aspect, which is applied in any cases of public infrastructure. The UDC includes very little detail on this portion of the process and lacks discussion of cluster, open space, or conservation subdivisions (which should have a different review process driven by the location of conservation lands). The UDO will establish more detailed procedures for each of the subdivision types to help clarify the rules for subdividing land.



KEY THEMES FOR IMPROVEMENT - #5.

Incorporate incentives and flexibility

Flexibility is an important component to any modern development code. Not all potential development sites are created equally – some may have special challenges associated topography, access, size, shape, or environmental conditions. Often, the sites in the community that make the most sense to develop (those located close to downtown, already served by infrastructure, and easy to reach with existing utilities) can be the hardest to develop because of site conditions, ownership patterns, or lack of sufficient access. As a result, many modern development codes incorporate a variety of flexibility mechanisms to help address unintended consequences and deal with difficult-to-develop sites.

Like flexibility, incentives can play an important part in attracting the kinds of development desired by the Town or identified in the Town's adopted policy guidance. Incentives can be a "win/win" proposition where a potential developer exceeds minimum requirements and is rewarded with additional development potential or the ability to deviate from some otherwise-required standard. Incentives help the Town provide examples of preferred forms of development. The table below describes the primary incentives and elements of flexibility suggested for inclusion in the UDO.

5.1. Add Sustainable Development Incentives	A sustainable development incentive system creates a series of incentives such as: additional residential density, increased maximum building height, increased lot coverage thresholds, reduced off-street parking requirements, reduced open space set-aside provisions, increased maximum sign area, allowable deviations from design standards, exemption from some forms of infrastructure provision (like sidewalks), and potentially other incentives that are provided in return for the inclusion of identified sustainable development features. Sustainable development features often include: compliance with LEED, BREEAM, Energy Star, Green Globes, or National Green Building Standard's requirements, use of green roofs, use of site-generated electricity, rainwater harvesting, oversizing stormwater control mechanisms, use of reflective paving or roof material, LID parking lot design, and many other features. The approach sets out a menu of sustainable development features along with a point value for each, and then establishes the minimum number of points required to take advantage of one or more of the sustainable development incentives. The system is voluntary for the applicant but helps to provide more sustainable development in the Town. It could also be applied through the conditional zoning system.
5.2. Incorporate an Administrative Adjustment Procedure	The administrative adjustment procedure is a "safety valve" provision that allows Town staff to administratively adjust or reduce some numerical standards (like setback distances, lot widths, design standard requirements, and similar numerical provisions) in response to a codified set of conditions (like an usual or difficult site, the need to save existing trees, changes necessary for the purposes of properly functioning infrastructure, and similar aspects). The amount of deviation that may be administratively approved is low – typically a maximum of 10 percent. Development in need of adjustment beyond 10 percent must rely on other procedures like a variance or a rezoning. This kind of adjustment can be requested at the outset of an application review process or after application approval in response to unforeseen site conditions.



KEY THEMES FOR IMPROVEMENT - #5.

Incorporate incentives and flexibility

5.3. Use a Tiered Approach to Conditional Zoning	The UDC already permits conditional rezoning, which is a system that allows applicants seeking to rezone land to voluntarily condition (or to place greater restrictions on) their applications. Modern development codes often utilize a tiered system of conditional zoning options that allows differing amounts of deviations from otherwise applicable requirements. The most simple tier is one that allows applicants to simply request a reduction in the range of allowable uses from the corresponding conventional district. This is commonly referred to as a "limited use rezoning", and is permitted without requiring a concept plan since the only deviation is a reduction in the number of typically allowed use types. Mid-way along the tiered rezoning spectrum is a "limited standards rezoning", which allows an applicant to pledge to conform to more restrictive development standards (like parking or landscaping) than would otherwise apply as well as to request a reduction in the range of allowable use types. The "master planned rezoning" allows an applicant to request reductions to several different forms of development standards with an understanding that the resulting development will be of superior quality (it is the applicant's burden to demonstrate that superior quality). Master planned conditional rezonings are similar to planned developments, but the UDO should prohibit deviations from some kinds of standards, like HOA requirements, parkland dedication, flood and watershed protection standards, and others. The current minimum development size requirement is counter productive and should be removed, and the Town could explore allowing some use types solely by conditional rezoning.
5.4. Incorporate Conservation Subdivisions	Conservation subdivisions allow smaller lot sizes in trade for conservation of at least 50 percent of the total development site. Typically, the maximum residential density may be modestly increased from that allowed in the zoning district (as an incentive). This approach allows for compact development that reduces infrastructure costs and permits the retention of environmentally sensitive or prime agricultural land. Because lots are smaller and homes tend to be closer to one another, it is common to require screening or home placement requirements that obscure the development from view from adjacent roadways and existing residential neighborhoods. This approach helps retain rural character while also allowing higher yields and protection of resource land (which could also be used for urban agricultural purposes). Conservation subdivisions typically have owner's associations in order to ensure maintenance of the reserved area.
5.5. Include Alternative Minimum Compliance	Alternative minimum compliance is an approach where the development standards (such as parking, landscaping, screening, lighting, etc.) allow an applicant to submit a development proposal with an alternative means of compliance typically based on site conditions or other considerations. The alternative compliance request is reviewed along with the application. For example, some sites have shade due to existing trees or buildings and typical landscaping will not work. Other sites have high water tables or slopes where some form of alternative parking lot surfacing is necessary. The alternative minimum compliance plan is a means to allow an applicant to propose, and the Town to consider, a minor deviation from the basic standards in response to site conditions. The approach requires preparation, review, and approval of a plan showing the alternative form of compliance along with submittal of justification why such alternative compliance is necessary. The designated Town staff member decides the request, which may be appealed to the BOA. In some cases, it may be desirable to allow an applicant to substitute provision of one required feature (like open space) with another feature like public art.



KEY THEMES FOR IMPROVEMENT - #5.

Incorporate incentives and flexibility

5.6. Allow Density Bonuses	The General Assembly recently adopted statutory changes that prohibit local governments from applying many aesthetic or exterior design controls to one-family and two-family residential structures. These kinds of standards may still be applied with the landowner's consent. One emerging trend is to take an incentive-based approach that allows developments that voluntarily comply with applicable design guidelines to take advantage of a maximum density bonus (typically up to one additional dwelling unit per acre of land area). The ability to utilize the density bonus requires the landowner to sign a statement of consent to follow the voluntary design guidelines, and the statement is recorded with the Register of Deeds. Compliance with design guidelines is reviewed as part of subdivision and site plan approval. Another interesting idea proposed during the stakeholder interview process was an allowance for either increased densities or reduced side and rear setbacks (or both) for lots that border greenways. This approach helps defray the cost of greenway construction and provides an incentive for inclusion of greenways in places where they are not already mandated.
5.7. Incorporate Menu-Based Design Standards	Design standards typically address the exterior appearance of multi-family, commercial, and mixed-use buildings, including aspects like exterior materials, massing, orientation, roof form, fenestration, and placement of fixtures like mechanical equipment. Design preference can be highly subjective, and as a result, some modern development codes are structured to offer a menu of options for complying with a particular design standard, and then allowing the applicant to pick from the menu of available techniques or configurations in order to achieve compliance. This approach allows some flexibility and allows developments to differentiate themselves from one another without having to undergo a design review process. Additional discussion is needed about the Town's willingness to allow an alternative design process where an applicant may suggest a design package that differs from the Town's requirements. There are some local governments that allow this, but the review is highly subjective and it requires persons with considerable design expertise to be available to consider the proposal.



KEY THEMES FOR IMPROVEMENT - #6.

Foster re-use and redevelopment

One of the challenges facing fast-growing communities is how to maintain and promote their original downtown and initial residential neighborhoods while at the same time accommodating new development in greenfield areas. Encouraging development in downtown and existing built areas makes sense from a growth management perspective. The Town has already invested in the infrastructure serving these locations and making the most of that investment is good governance. Infilling vacant pockets of land surrounded by existing development is efficient use of available land and helps balance property tax revenue and service delivery costs. At the same time, promoting infill and redevelopment of existing built areas can be a challenge. Sites are small, land costs are high, ownership patterns difficult to navigate, and dealing with necessary retrofits to existing infrastructure and older buildings can be expensive. This kind of situation can put downtown and older developed areas at a disadvantage relative to peripheral greenfield sites where land is plentiful and it is less expensive (and faster) to develop.

The table below lists some potential ways the Town could help “level the playing field” between downtown and older built areas with the Town’s easier to develop greenfield sites. These kinds of provisions help create compact development that is more efficient, ensure that new infill and redevelopment is consistent with the established context, and helps the Town maintain its sense of place.

6.1. Relax Some Standards in Downtown	The Town’s goals are to foster continued downtown vibrancy, and taking that stance often requires increased flexibility in the application of development standards in downtown. Given the scarcity of land and desire for pedestrian activity, it is very common to exempt downtown development from off-street parking standards altogether. Landscaping, like perimeter buffers, site landscaping, and streetscapes are methods of addressing compatibility between different land uses in lower density (suburban) contexts – urban areas lack the available land for significant landscaping areas, and often seek to encourage density and proximity of uses rather than separation. In many cases, dimensional standards such as maximum impervious cover or required setbacks are reduced or not applied in recognition of the smaller existing lot sizes and the desire for elevated intensity. Open spaces should be small-scale, frequent, urban in nature, and avoid consumptive use of land. The Town is in the process of updating the Downtown Master Plan, and recommendations from that effort should be incorporated into the UDO as well.
6.2. Adopt a Flexible Approach to Nonconforming Site Features	The current UDC addresses nonconforming site features, which are site elements like parking, landscaping, lighting, screening, and similar features that were lawfully established, but that do not comply with the Town’s current standards. Ultimately, the goal for nonconformities is to bring them into compliance, however, this can become expensive and those costs act as a disincentive to beneficial redevelopment. The new UDO should allow simple changes of use, inclusion of new outdoor use areas, and minimal additions to existing buildings costing less than half of the building’s assessed value to take place without the need to address compliance with site feature standards (except in cases where such site features are necessary from a public safety standpoint). In cases where the level of investment in redevelopment of an existing nonconforming site equals or exceeds half of the building’s assessed value, then the degree of additional expenditure directed towards reaching compliance with site feature requirements should be commensurate with the amount of investment, and accomplished in accordance with the intent of the UDO.



KEY THEMES FOR IMPROVEMENT - #6.

Foster re-use and redevelopment

6.3 Adopt Infill Development Standards	In most cases, existing developed areas were established prior to the imposition of "modern" dimensional requirements like lot area, lot width, lot coverage, setbacks, and building heights. Retroactive application of these standards to built areas often results in the need for variances to facilitate development or redevelopment that is in keeping with the established character. Infill development standards are largely context based, and allow blanket reductions to lot area, removal of lot coverage limitations (except where required of environmental reasons), and contextual dimensional requirements like setbacks and building heights. In areas where infill development standards are applied, proposed development or redevelopment that does not meet with the established development context should be subject to variance requirements.
6.4 Waive Some Infrastructure Requirements	One of the greatest challenges to beneficial redevelopment and infill is the requirement to install missing public infrastructure like pedestrian facilities, street improvements, or upsizing water or sewer lines. In greenfield areas these costs are borne by new development; in redevelopment areas that were initially developed before these kinds of infrastructure improvements were required, the cost of retrofitting public infrastructure becomes cost prohibitive and the result is that vacant or derelict infill and redevelopment sites remain vacant or derelict. The UDO should exempt redevelopment of an existing building or site with an existing building that is retained from compliance with infrastructure retrofitting requirements. In cases of vacant land within designated infill or development areas, emphasis should be placed on payment of a fee-in-lieu that is commensurate with the level of investment being made instead of outright provision of missing infrastructure. This approach helps neutralize the disincentives associated with developing these areas. The Town may wish to extend this approach to required pedestrian facilities, street feature requirements (like bike lanes or planted medians), and parkland dedication requirements.
6.5. Promote Mixed-Use	Revise the current zoning district line-up to allow mixed-uses by right (without mandatory use-mixing requirements) in downtown and designated redevelopment areas. Allow residential uses by right in non-residential areas and allow small-scale, neighborhood-serving commercial, office, and personal service developments in the higher density residential areas by-right. Establish mixed-use design standards that promote compatibility between mixed-use development and adjacent single-family detached homes.
6.6. Adaptive Reuse	Another potential mechanism to facilitate redevelopment, particularly in older commercial and industrial areas, is to establish a new use type referred to as "adaptive re-use" which could include a wide variety of economic activity or business types. This approach allows such uses to take place within existing structures with a reduced emphasis on the need for rezoning. Adaptive re-use is simply permitted in most districts within designated redevelopment areas provided the existing structure is maintained and any potential negative impacts on adjacent lands are mitigated.



KEY THEMES FOR IMPROVEMENT - #7.

Provide a greater range of housing choice

Addressing housing is one of the most challenging and complex issues facing the Town and the State as a whole. North Carolina and all communities in the Triangle are in the midst of a housing crisis. There are an insufficient number of residential units in place and with the constrained supply, prices have become largely unmanageable. When the additional challenges of inflation, supply chain problems, and foreign investment in the housing market (due in part to years of federal economic stimulus and depressed interest rates) are factored in, the housing problems worsen. Layered on top of these issues are changing consumer preferences for smaller lots with lower maintenance, the ability to work remotely (and thus pursue housing in less expensive areas of the country), and aging in place, the problems of housing supply have become acute.

Because of these and other trends, as well as the Town's desire for more high end "executive housing", it is important for the new UDO to address housing concerns in innovative ways. The table below provides suggestions for consideration that focus on encouraging a wider supply of housing options.

7.1. Allow a Wider Range of By-Right Housing	One of the key challenges to the successful deployment of housing options are unpredictable approval processes. Development regulations that require rezonings or special use permits for smaller, more dense, or more diverse housing styles often inadvertently prevent these kinds of dwellings from being constructed. The UDO should allow two-family dwellings by right in every zoning district, and tri- and quadplex developments be permitted in the moderate and high density districts by-right. Upper story residential and live/work units should also be available by-right in non-residential structures in all districts (except industrial).
7.2. Allow Small House/Small Lot Options	The UDO should also create opportunities for more diverse forms of single-family detached housing. For example, pocket neighborhood developments of 3-to-12 single-family detached homes on small lots are becoming more popular and are an excellent infill technique. Bungalow courts, or groups of around five detached homes served by a single, shared access/parking area are also a popular way to develop with increased densities while minimizing impervious surface. Conservation subdivisions create opportunities for these kinds of developments on larger parcels where a portion of the land may be set aside and the proposed residential development may be fully screened from adjacent roads and neighborhoods. The UDO should allow these kinds of uses where issues of design and compatibility with surroundings can be addressed prior to development.
7.3. Encourage Accessory Dwelling Units	The Town already allows accessory dwelling units ("ADUs") in almost every residential district, but the regulations require approval of a special use permit. The UDO should be broadened to allow any single-family detached dwelling to have an integral accessory dwelling unit by right and a detached accessory dwelling unit in cases where such structures comply with the dimensional requirements applied to principal dwellings. The standards include some basic size limitations and design requirements to maintain compatibility.



KEY THEMES FOR IMPROVEMENT - #7.

Provide a greater range of housing choice

7.4. Multi-family and Townhouse Development	The current UDC allows multi-family and townhouse development, but requires approval of a special use permit (and disallows it via the conditional rezoning process). The current approval process should be modernized to remove needless legal and bureaucratic hurdles while also allowing the Town to apply design guidelines to townhouses. The new UDO should include a new higher density residential district that permits these uses to be established by right. In addition the UDO should include design standards for multi-family and design guidelines for townhouses. The UDO should also establish a conditional zoning district for residential or permit these uses via a conditional rezoning.
7.5. Tiny Homes	Tiny homes are an up and coming means of providing affordable housing quickly that many communities are embracing. There are some regulatory challenges with respect to how a tiny home is constructed and whether or not it remains mobile. Modern development codes are now beginning to address these challenges through tiered tiny house standards that recognize site built, manufactured, and movable tiny homes (with different standards for each). The UDO will include standards for these uses and will make adjustments to allow the Town to distinguish between typical manufactured homes and tiny manufactured homes as well as to distinguish between travel trailers and movable tiny homes. These distinctions are necessary to permit this type of housing while continuing to control other forms of development that have not traditionally been used as permanent housing.
7.6. Live/Work Units	Live/work units are a way for communities to accommodate mixed-use development on a micro scale. The current UDC does not appear to indicate that live/work units are permitted. These kinds of uses should be allowed by right in downtown and in commercial districts. Live/work units should be at configured to be at least 51% non-residential and the residential portion of the use should be on the upper floor with ground level devoted to commercial activity.



APPENDIX

This appendix includes three sets of supporting documentation. The first is the detailed section-by-section review of the Town's current UDC document. The table identifies each major section in the UDC, its contents, and provides some potential recommendations for disposition in the new UDO (or at least some questions for further consideration). This information was used in the preparation of the key themes for improvement included in earlier pages of this Diagnosis.

The second element in the appendix is the results from the 10 project stakeholder interviews that were conducted in the early stages of the project in April and May of 2022. Information is summarized by topic area, and these suggestions were also used in the preparation of the key themes for improvement provided earlier.

The third element of the appendix is a summary of the input, feedback, and comments from the UDC Advisory Committee, elected officials, and members of the public in response to the initial version of the Diagnosis Report. This information was added following presentation and discussion of the document with the community. These revisions will be addressed with the Annotated Outline, the next guidance document, which sets out the structure and contents of the new UDO.



APPENDIX - REVIEW OF CURRENT UDC

The following table provides a detailed review of the Town of Clayton's current Unified Development Code (UDC) as effective 2.15.22. The table below summarizes each major section in the UDC and provides a recommendation (or indication for further discussion, if appropriate) for how the material could best be configured in the updated UDC. This information will be used to form the recommendations in the Diagnosis Report and helps to clarify the structure in the Annotated Outline of the new UDC.

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)	
\$155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
ARTICLE 1: GENERAL PROVISIONS	
100 Title Sets out the title of the UDC	Change title to Unified Development Ordinance (UDO) and supplement with language identifying the Official Zoning Map
101 Authority & Enactment Identifies the statutory provisions allowing the Town to regulate land uses	Carry forward but supplement with additional citations from other relevant portions of the General Statutes, the Town's charter, and any special legislation
102 Purpose Repeats the basic purpose statements for zoning and land development and police power from the General Statutes	Cross-reference the statutory purpose statements and incorporate purpose statements from the Town's adopted policy guidance
103 Effective Date Identifies the effective date for the UDC	Carry forward as revised (note that the adoption date and effective date may differ as the Town needs time after adoption to prepare for implementation)
104 Jurisdiction Discusses the Official Zoning Map, the Future Land Use Map from the Comprehensive Plan, and other maps	- Replace with a section on applicability and exemption that clarifies what kinds of development are subject to these standards - Clarify no development may take place without complying with the UDC - Remove language incorporating future land use as these are policy and not intended to carry the force of law - Relocate map-related provisions to a section on the Official Zoning Map in the Districts article
105 Legal Status Provisions	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Includes a blend of various un-related provisions including how conflict is handled, severability, language about conditions of approval, statute of limitations, repealing inconsistent existing law, delegation with respect to the Administrator	- Split this section apart and relocate as appropriate - Establish a single Conflict section in the Administration article that addresses conflicts, alternatives, flexibility, graphics, conflicts with private agreements, and determination of the most restrictive standard - Establish a separate severability section in the Administration chapter - Address conditions of approval (when applied, how applied, relationship to impacts, approval, etc. in the common review procedures section of the Procedures article - Address statute of limitations for appeals with each procedure as appropriate, and address enforcement limitations in the Enforcement article - Address delegation with the material on review authorities or rules of language construction - Add an updated section on vesting that fits with a proposed vested rights certificate procedure

106 Application of Regulations

Clarifies no development allowed until compliance with the UDC; Requires issuance of a zoning permit as a precursor to any development

- Relocate and broaden compliance provisions to section on applicability in Administration article
- Address zoning permit requirements in Procedures article (some forms of development may not require a zoning permit - e.g., bona fide farms, exempt subdivisions, exempted signs, etc.)

107 Interpretation of Regulations

Identifies the standards in the UDC as minimum requirements; Clarifies that the UDC does not impact covenants (private agreements) unless they are unlawful

- Incorporate the minimum requirements clause with the proposed Applicability section
- Address conflicts with private agreements in the proposed more wholistic Conflict section

108 Compliance with Plans



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Limits development to what was approved; Indicates that development shall be configured in accordance with adopted policy guidance	-Relocate clause addressing consistency to the material pertaining to UDC compliance in Applicability section - Establish a new section on adopted policy guidance that enumerates the policy documents and clarifies that policy documents do not carry the force of law - Clarify that the Town Council may take actions that are inconsistent with adopted policy guidance in their sole discretion, and what happens as a result
109 Transitional Provisions	
Sets down the rules addressing existing development, development applications, and prior development approvals issued before the effective date of the UDC	- Add discussion about prior violations being carried forward (subject to limitations) - Cross reference permit choice provisions to be located in the Procedures article - Cross reference expiration provisions in Procedures article with respect to development already under construction at time of effective date - Clarify how legacy zoning districts and prior conditional zonings are treated and modified (provide greater clarity with respect to master plans and prior planned developments) - Address existing development that now requires a special approval (like an SUP) but that does not have one - Add a table discussing translation of current zoning district classifications to new classifications under the new UDC
110 Nonconformities	
This section establishes the rules for nonconformities, including purpose for the standards, applicability provisions, standards addressing nonconforming lots, uses, structures, and site elements	- Suggest a separate article for Nonconformities - Add a set of general standards applicable to all forms on nonconformities (continuance, expansion in accordance with flood damage prevention, routine maintenance, casualty damage, etc.) - Clarify that a lot, use, or structure that is subject to an approved deviation or incentive may not be considered nonconforming - Remove references to operation during business hours - not all nonconformities are nonresidential - Strongly suggest moving away from requiring variances to develop a lawfully-established residential lot of record - it is just not needed; remove the 20% threshold - Add clarity about how nonconforming lots of record may be developed for a non-residential use - Clarify if governmental acquisition will render a lot or structure nonconforming - Suggest a more nuanced and flexible approach to rendering compliance with nonconforming site features based on the level of investment proposed - Add separate standards for nonconforming signs



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME

DESCRIPTION

POTENTIAL DISPOSITION IN NEW UDC

ARTICLE 2: ZONING DISTRICTS

200 Districts Established

Sets down standards for rules for interpreting the Official Zoning Map; the purpose statements for the Town's 12 conventional zoning districts; establishment of the conditional zoning districts; and distinguishes the Town's 3 overlay districts

- Add a section that distinguishes between conventional, conditional, and overlay zoning districts
- Remove references to Future Land Use Maps - these are policies, not standards
- Add a section on the Official Zoning Map, including its incorporation by reference, relationship to other maps (like the FIRM), and a cross reference to the determination procedure for how boundaries are interpreted
- Add a section on dimensional requirements that are applied generally, including how such numbers are modified via incentives or flexibility measures, the amount of allowable encroachment into required setbacks, and include a cross reference to the Measurement section
- Suggest a different approach to the presentation of conventional zoning district information that includes the purpose statement, the dimensional standards, any district-specific standards, and illustrations about how dimensional standards are applied
- Explore options for revision to the conventional zoning district line-up to match the comprehensive plan, including a higher density residential district, a multi-family residential district, one or more mixed-uses, a new downtown district (with a series of sub-districts), a new employment center district, and other changes like those anticipated for the overlay districts

201 Measurement & Exceptions

Sets down a set of basic provisions regarding measurement of dimensional factors (height, lot area, density, setbacks, etc.) as well as encroachments

- Relocate to the Definitions article or to its own article on Measurement
- Add a general section on measurement (straight lines, rounding, irregular shapes, separation, impervious surfaces, etc.)
- Provide additional details on lot types, types of setbacks (side, rear, perimeter, etc.), lot lines (street, side, rear, zero, condition-based, etc.), lot measurements, slope
- Supplement with rules of measurement that are applied to parking, landscaping, fences, signs, building façade determination, exterior lighting, streets, curves, etc.
- Clarify exemptions here (structures exempted from height, surfaces exempted from impervious rules, etc.)
- Discuss if the Town wants to put the general dimensional requirements here - these are standards, not measurements, but they are similar topics

202 Land Use Regulations



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Introduces and includes the principal use table	- Relocate to the article on Uses - Distinguish between different types of uses - Organize uses by type: principal, prohibited, accessory, temporary, unlisted - Add provisions describing what constitutes a change in use - Consolidate provisions addressing combination or multiple different principal uses on the same site with these standards - Revise the approach to principal uses to use a 3-tiered use classification system of use classifications, use categories, and use types - Add supplemental details on use category characteristics (for use in determining how to classify unlisted uses) - Consider minor formatting changes (like color columns, use of bold, etc.) to make use table easier to read - Add missing and modern principal use types (family care homes, small wireless facilities, co-working, tiny homes, event venue, and many others) - Revise standards for consistency with RLUIPA - Enhance list of prohibited uses

203 General Use District Standards

Sets out the dimensional standards applicable by type of zoning district; also includes the recreation and open space standards for development in residential zoning districts	- Reorganize the dimensional standards provisions to be located in the same summary table with the purpose statements and other applicable district-specific standards by individual conventional zoning district, not groups of districts - Incorporate more detail on the dimensional standards applicable by different use types - Replace open space subdivisions with a conservation subdivision procedure that allows reduced lot size and density bonuses for setting aside 50% or more of the land area as open space and fully screening development from adjacent roads and residential uses - Allow multi-family uses by right in some districts rather than by special use permit - Relocate open space standards to an article on Development Standards; organize by public parkland and private common open space; include differing types of recreational configuration (active, passive, urban) - Remove recreation configuration provisions - too detailed; simplify with general configuration requirements, amounts of active, passive, or urban resources and leave the design to the applicant; clarify that fee in-lieu is required only when open space is not provided - Restructure the conditional zoning districts into a three-tiered system - one that allows only a reduction in the types of available uses (limited use rezoning), one that allows reductions in use types and imposition of more restrictive development standards (limited standard zoning), and one that allows deviations from some (but not all) standards via a master plan approval (master-planned zoning)
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204 Overlay District Standards



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Sets down the standards for the Town's 3 overlay districts: Thoroughfare Overlay, Watershed Protection; and Downtown Overlay	- Supplement with a section explaining how overlay district standards interact with applicable conventional/conditional districts - Discuss if the stormwater and WSW provisions should be addressed together or separately (if separate, put WSW in as an overlay district in this section and stormwater as a standard in the Development Standards article) - Remove the Thoroughfare Corridor Overlay district in favor of upgraded general standards and a proposed Gateway Overlay district - Remove the downtown overlay in favor of a new Downtown conventional zoning district with 2-3 subdistricts (based on the updated Master Plan) - Discuss if the Downtown district will include specialized development standards (as is currently done for signs) or if the development standards provisions will remain together even if there are special standards for some areas - Relocate the Town's flood damage prevention provisions to this section and configure as the Flood Damage Prevention Overlay district (retain current consolidated structure with definitions, procedures, and standards in one location) - Prepare a new Gateway Overlay framework that establishes a suite of general standards in designated areas and serves as a placeholder for additional gateway-related sub-districts prepared in accordance with adopted future area plans

ARTICLE 3: SPECIFIC USE STANDARDS

300 Use Interpretation

Sets out some general provisions for interpreting uses	- Consolidate with other use-related provisions in new Uses article - Revise language indicating unlisted uses are prohibited - this is a violation NC Court of Appeals rulings (must list prohibited uses and have an express process [the Determination procedure] for classifying unlisted uses, which may be prohibited following the determination process) - Need to allow a one-time Planning Director determination to permit an unlisted use rather than mandating a text amendment - too much bureaucracy - Town can choose to undergo text amendment, but don't require this as a first step - Use the use category descriptions in tandem with determination standards for considering how to classify an unlisted use - Suggest removal of requirement for all uses in a multi-use development to obtain a special use permit if one of the use types requires a special use permit (equal protection violation)
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301 Residential Use Standards



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)	
§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Sets out the use-specific standards for 12 residential use types	- Suggest adding standards for family care homes, CCRCs, and a wider variety of residential use types like pocket neighborhoods, bungalow courts, live/work units - Add additional standards for duplex, triplex, and quadplex units - Add architectural and dimensional provisions to the multi-family standards - Remove minimum dwelling unit sizes for manufactured homes - Consider adding additional architectural standards to manufactured homes - Discuss how to address garage door requirements for townhouses (current standards violate State limits on design controls) - Relocate accessory uses (like caretaker quarters) to the accessory use section - Limit the placement of accessory structures prior to principal structures except for agricultural uses (could add a temporary structure allowance for construction/pre-construction) - Need clarification if alley-loaded lot configuration is voluntary or compulsory - Ensure residential and mixed-use development meets all applicable standards for ADA accessibility (including provision of accessible ground-floor units) - Suggest addressing zero lot line provisions in general dimensional standards rather than as a residential use standard
302 Public and Civic Use Standards	
Sets out the standards for 9 public or institutional use types	- Integrate these standards with other institutional use standards - Consider adding standards for cultural facilities (libraries, museums, etc.) - Consider standards for residential treatment facilities - Incorporate open space/public recreation use types here, and organize by indoor and outdoor - Consider adding standards for transportation-related use types - Consider adding standards for gathering venues (auditoriums, stadiums, convention centers, etc.)
303 Recreational Use Standards	
Sets out the use-specific standards 8 different kinds of recreation-related use types	- Relocate uses operated for commercial purposes to the use standards applied to commercial uses and the public use types to the section on institutional uses - Add standards for RV parks, campgrounds, (mobile tiny homes?) - Relocate stables to the accessory use standards

304 Agricultural Use Standards



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Lists standards for 3 types of agricultural uses	- Clarify the bona fide farm exemption - Suggest distinguishing between farm supplies sale and farm equipment service - Add agricultural production as a use type (and make allowable within conservation subdivisions, regardless of zoning district) - Consider adding farmer's market as a use type
305 Commercial Use Standards	
Establishes the use standards for 29 different types of commercial use types	- Revise standards for cocktail lounge – confusing – is it a restaurant, a bar, or private club? - Microbrewery standards should address food service as an accessory use - Relocate outdoor seating/sidewalk cafes to section on accessory uses and simplify these standards - Add standards for structured parking - Suggest supplementing restaurant standards to address noise and service activities - Add standards for self-storage uses with shared primary entries - Clarify streetscape buffering standards for vehicular sales and rental - Suggest adding standards for several additional uses: event venues, business incubators, co-working space, grocery stores, indoor and outdoor commercial recreation, bulky item sales, and large format retail - Suggest a tiered approach to restaurants, retail, offices, and service uses that recognize low intensity (or small) sites and high intensity (or large) sites - Establish maximum floor area requirements for non-residential uses in low-intensity commercial districts - Reduce special use permit requirements where possible - If an employment center district is created, supplement with use-mixing requirements at the use category level
306 Industrial Use Standards	
Sets out the standards for 8 industrial use types	- Clarify outdoor storage rules for building supplies and other forms of storage as a principal use - Add standards for wholesale fuel uses - Add standards for heavy manufacturing uses - Are standards needed for extractive industry & asphalt/concrete plants - Add an industrial services use type - Add standards for waste- and recycling-related use types - Relocate utility standards to this section - Reduce special use permit requirements, where possible
307 Utilities Use Standards	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)	
§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Sets out the use-specific standards for 6 industrial uses	- Relocate to the industrial use standards section - Provide more detail on the renewable energy facility standards - Include standards for major and minor utility use types - Recognize that special purpose lots for infrastructure are not required to meet zoning district dimensional requirements
308 Accessory Structures and Uses	
Includes a set of general standards for all accessory uses as well as a set of standards for specific accessory uses/structures in residential and non-residential districts as well as accessory uses typically serving places of worship	- Carry forward the general standards applicable to all accessory uses and structures, but supplement with additional detail regarding timing of accessory uses - Consider establishing a summary accessory use table as is done for principal uses - Consider the possibility of requiring special use permits for some uses (like drive throughs), while removing special use permit requirements for others (ADUs) - Suggest replacing the current organizational structure with an alphabetic list of uses and structures - Suggest adding standards for the following accessory uses: internal versus external accessory dwelling units, art installations, automated teller machines, cluster box units, family health care structures, EV charging stations, storage of unlicensed or inoperable vehicles, recreational vehicles and equipment on residential sites - Update standards for outdoor storage as an accessory use - Explore some additions to food trucks - restaurant proximity, ability to accommodate on a non-restaurant site, zoning permit, spacing from residential uses, hours of operation, etc. - Explore ability to re-organize/remove accessory uses serving places of worship - Add standards for Type 1 solar energy conversion units (solar panels) - Discuss need for parks as accessory uses - Reconcile outdoor dining with outdoor seating and sidewalk café standards and simplify generally - Supplement outdoor storage standards with additional provisions for screening
309 Temporary Uses	
Identifies the range of temporary uses and sets out the standards for 4 different temporary uses	- Establish a set of general standards applicable to all temporary uses - Remove distinctions between public and private temporary uses - Add a summary table of maximum duration by temporary use type - Suggest a summary table of duration by temporary use type - Consider adding standards for: itinerant merchant sales, special events, temporary dwellings during construction, temporary dwellings post-disaster, temporary recreation dwellings in rural areas (hunting) - Carry forward real estate development project standards
310 Telecommunication Facilities	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Sets out the Town's wireless communication standards	- Relocate to the institutional standards - Establish a set of common standards applied to all types and standards unique to each type - Look for ways to simplify the 4-tiered system to 3 types (collocation, small towers, major towers) - Treat broadcast facilities differently - Reconcile standards with State requirement for substantial and non-substantial modifications - Incorporate provisions for small wireless facilities - Discuss if the Town wants performance sureties for restoring a site following decommissioning - Add illustrations

ARTICLE 4: GENERAL DEVELOPMENT STANDARDS

400 Access

Includes the standards for driveways, connections between lots, and access management	- Explore standards that allow up to 3 lots to obtain access via a shared driveway (more than 3 lots must be served by a street meeting public street standards) - Discuss if private streets should meet public street standards - Review minimum points of access standards for development (30 may be too low - pending statutory change) - Clarify ability to have shared residential driveways - Clarify ability to have vehicular gates across streets - Clarify access provisions for flag lots - Enhance parking lot cross-access standards, including what happens next to vacant land or in cases when an existing landowner does not wish to provide a cross-access stub to an adjacent vacant lot - Revise intersection visibility for compliance with State law - Relocate sidewalk provisions to a new section on Pedestrian Facilities; add flexibility for small subdivisions; address sidepaths and multi-use paths; Allow for increased densities and reduced residential setbacks on lots abutting a greenway or multi-use trail - Add illustrations
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401 Off-Street Parking & Loading



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)	
§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Sets out the standards for off-street parking provision, parking lot configuration	- Reconsider applicability of these standards on existing developed sites with changes in use, addition of new parking spaces, and minor additions - Exempt downtown development and redevelopment from off-street parking standards - Review parking standards for consistency with best practices, add maximum space thresholds, ensure each use type has a listed parking standard, add a process for determining parking space requirements for unlisted use types - Townhouse developments with driveway parking should include centralized guest parking space requirements - Suggest simplifying bicycle parking requirements - Enhance parking lot circulation standards to address throat/stem lanes - Create minimum standards and additional incentives for LID design in parking lots - Address front-side yard parking on single-family lots - Broaden list of uses to address queuing (car wash, gas pumps, equipment rental, hospital, post office, school, etc.) - Suggest removing valet parking (essentially the same as off-street) - Discuss adding loading requirements for industrial uses - Add illustrations

402 Landscaping, Screening, & Buffering

Incorporates the standards for interior site landscaping, perimeter buffers, street trees, screening, fences and walls, and a set of general standards for all landscaping	- Add a section that describes the section structure and provides an overview for how to use the standards - Clarify how landscaping requirements are applied to redevelopment of existing sites that do not meet the standards - Clarify exemptions - Consider allowing other required landscaping to be credited towards site landscaping requirements and exempt downtown from site landscaping - Simplify the parking lot landscaping to simply require perimeter shrubs and landscape islands and defer to perimeter and streetscape buffers elsewhere on site - Exempt downtown parking lots from island standards, but consider maintaining tree shading - Add parking lot shading requirements (via canopy trees with min. spacing standards) - Like the idea of treating streetscape and perimeter buffers the same, but suggest a different buffer standard for streetscapes that allows grouping and exemption if street trees provided - Apply street tree standards by street type (except in downtown); consider differential tree types (wide vs columnar) based on zoning district – residential and mixed-use calls for wide, auto-oriented calls for columnar tree shape - Perimeter buffers need additional standards that require buffering of single-family detached from other non-single-family detached uses, regardless of zoning
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APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)	
§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
	district - Rethink perimeter buffer options; narrowing buffer widths without altering stocking requirements results in bad planting practice – suggest use of other screening devices or alternatives instead of upping plant counts while reducing buffer width - Supplement with buffer exemptions when abutting certain unbuildable lands (parks, floodplain, riparian buffers, railroads, etc.) - Apply buffers at time of residential subdivision and prohibit buffer planting within platted lots - Suggest revisions to street tree standards to require these only in specific areas like downtown or gateways and along specific streets; street trees should substitute for streetscape buffers, and streetscape buffers should be an alternative when street trees cannot be accommodated - Suggest a different approach to screening that sets out multiple different levels of screening and assigns a minimum level to different site features like those listed and others (ensure HVAC equipment on single-family detached dwelling lots require screening from off-site areas) - Relocate fence and wall standards to their own section with the other development standards, provide more detail on maximum heights, landscaping requirements in certain areas, allowable materials, placement in easements, and minimum maintenance requirements; fences in buffers should be an option, not a requirement - Add species diversity standards - Add planting area structural soil configuration standards for parking lots, street tree pits, berms, etc. - Require ground cover or soil stabilization in required landscaping areas - Add more clarity about how and in what ways landscaping can be credited towards other requirements (like open space), and how existing retained vegetation can be credited towards landscaping requirements - Revisit the tree protection requirements during and after construction – more clarity needed - Add options for alternative landscaping plans, including differential standards for downtown - Discuss if a plant list should be included - Add more illustrations
403 Signs	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Sets out the Town's general and specific sign standards	- Enhance sign purpose statements to address content neutrality and protection of 1st amendment rights - Relocate some sign definitions to Definitions article, relocate others included in the individual sign standards to individual tables prepared for each sign type - Remove content-based standards (personal expression signs, insignia, yard sale signs, real estate signs, menu displays, tenant identification, etc.) - Relocate measurement standards to rules of measurement section - Suggest removing concept of "secondary signs" - Establish a class of signs called "incidental" - Add more illustrations to sign type tables and throughout section - Supplement sign tables with allowable zoning district information - Discuss how a post sign differs from a pole sign - Discuss Town's desire to prohibit outdoor advertising (billboards) - Consider establishing a special purpose sign that allows some deviations but requires special use permit approval (this process could be used for deviations from sign standards as well) - Discuss off-premise signs (suggest prohibition) - Discuss the idea of contextual sign standards that allow for taller or larger sign faces along lot frontages adjacent to higher traffic streets - Add a cross reference to nonconforming signage provisions - Add illustrations

404 Outdoor Lighting

Sets down a basic range of standards for exterior lighting	- Provide greater clarity regarding exterior on-site lighting and standards for street lighting; reconcile standards with practice regarding fixture height - Clarify exempt lighting - Supplement prohibited lighting with limits on lights similar to traffic control, flashing or revolving lights, LED light strings and luminous tube lighting on roofs, around windows, doors, or signs, etc. - Require a lighting plan - Organize standards into shielding, fixture height, lamp type (color), mounting location, and appearance - Establish maximum footcandle lighting values at lot lines and uniformity ratios across parking lots - Prohibit glare (visibility of light source) on off-site areas within residential districts - Add standards for athletic and sports facilities - Include an alternative lighting plan option - Discuss if the Town wants street lighting standards (spacing, placement, height, fixture type, lighting color, shielding, etc.) - Add illustrations
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405 Design Standards-Nonresidential & Multi-Family



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Requires architectural compatibility on all building sides visible from a street and prohibits metal as an exterior material in most zoning districts	- Suggest a set of residential design guidelines for use by single-family detached, duplex, and attached residential development (these guidelines can be used as part of conditional rezonings, and should include density bonuses if voluntarily applied) - Suggest a set of multi-family residential design standards applied to condominiums and apartments - Suggest a set of mixed-use development design standards that address architectural issues and site configuration - Suggest a set of retail design standards (with additional standards for large format retail uses) that address architectural issues and site configuration - Suggest a set of non-residential design guidelines applied to offices, service uses, and some institutional uses that address architectural issues and site configuration - Suggest a limited set of design standards applied to light industrial uses that address architectural issues and site configuration - Architectural design standards should address building orientation, primary entrance location, massing, fenestration, materials, roof form, and building appurtenances; standards should include menus of options where possible - Add illustrations

ARTICLE 5: NATURAL RESOURCE PROTECTION

500 Resource Conservation Areas

Establishes the resource conservation areas, sets out the range or permitted and prohibited uses, discusses maintenance of these areas	- Discuss if these standards should be translated into an overlay or conventional zoning district - Add purpose and intent provisions - Incorporate applicability and exemption provisions - Clarify distinctions between primary and secondary RCAs - Clarify if RCA areas may be included for the purposes of yield calculations (they should be) - RCAs should get credit towards passive open space set-aside requirements - Clarify that conservation subdivisions should be permitted to include RCAs as open space set-aside
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501 Watershed Protection



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Sets out the Town's standards for water supply watershed areas	- Revise into an overlay zoning district - Clarify where these standards apply (incorporate a map) - Add related procedures (development permit, variance, etc.) to the Procedures article - Revise in accordance with new State model ordinance and best practices in similar areas - Clarify what portions of the water supply watershed designations apply within the Town's planning area - Identify permitted and prohibited uses - Discuss reserving maximum total impervious surface amounts in certain areas (like employment centers) for specific use types (may require compensation) - Revise the language pertaining to open space subdivisions to conservation subdivisions - Explore how to integrate stormwater standards with other Town requirements - Incorporate standards for existing development
502 Stream Buffers	
Includes cross references to the NC Administrative Code pertaining to riparian buffers	Suggest relocating this section to the Development Standards article and including the range of standards (and procedures in the Procedures article) rather than just cross references
ARTICLE 6: SUBDIVISION STANDARDS	
600 Applicability	
Include brief applicability and water/sewer-related provisions	- Suggest adding the following sections: Using these standards, purpose and intent, applicability, exemptions, compliance with other standards, approval and recordation of plats required, timing of permits, and subdivision in violation - Relocate the water and sewer extension standards to the section on Infrastructure
601 Sequence of Improvements	
Describes the 4-part sequence of infrastructure improvements for subdivisions	- Carry forward; consider relocating to section on Infrastructure
602 Streets	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Identifies the standards for street improvements, street classification, street types, street cross-sections, cul-de-sac and stub streets, sidewalk, street layout, standards for private streets, and street names and signs	- Suggest a reorganization of these standards - Require compliance with Town's Adopted Policy Guidance, Standard Specifications, adopted fire code, and other relevant requirements - Use the Determination procedure to solve conflicts between these different standards - Include street classification table and summary table of right-of-way widths, but rely on exterior documents for street section configuration - Suggest reducing fee-in-lieu requirements to cost of improvements only (not 125%) and clarify that they are only acceptable for streets when mandated by the Town - Include applicability criteria to address situations where redeveloping lands are exempted from street improvement requirements based on the nature of proposed development or level of investment - Supplement the street standards with new requirements for a street connectivity index and a set of street stub requirements to adjacent vacant lands - Discuss minimum distances between new streets - Supplement with a set of block length standards that address maximum dead end street lengths and requirements for mid-block crossings in urban areas - Relocate sidewalks to a new section on Pedestrian Facilities and supplement with additional standards for multi-use paths, side paths, and greenways; revisit requirements to allow greater flexibility for small neighborhoods; allow densities to increase and side/rear yard setbacks to decrease on lots abutting greenways and multi-use paths - Clarify if streets that include curb and gutter must also include street drainage infrastructure - Add standards for traffic control devices and signage - Clarify standards for vehicular gates - Discuss if the Town wants to add standards for bridges - Add illustrations
603 Lots and Blocks Establishes some basic lot and maximum block length standards	- Reconcile with the maximum street length standards - Consider relocating the lot standards to a new section on Subdivision Design - Consider consolidating block standards with the street standards
604 Utilities	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)	
§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Includes the standards for easements and utilities	- Rename this section to Infrastructure and include in the Development Standards article - Add purpose and intent provisions - Add applicability and exemption standards - Review and update easement standards including development activity permissible in easements - Carry forward water, sewer, and storm drainage standards - Discuss if there is a need to add additional standards about electrical lines - Add standards about undergrounding new utilities - Suggest adding additional standards about functional fire protection - Add standards for as-builts
605 Public Facilities	
Sets out standards for school sites and open space	- Carry forward school reservation provisions with other subdivision standards
606 Permanent Reference Points	
Sets out the standards for lot monuments	- Carry forward with other subdivision standards
607 Guarantee of Improvements	
Sets out the Town's standards for performance guarantees associated with infrastructure	- Suggest relocating to the Procedures article - Identify eligible and ineligible facilities - Remove language related to surety bonds (maintenance bonds are not permitted except for storm water facilities) - Add standards for term, form, and amount - Add details on administration, release, and forfeiture
ARTICLE 7: ADMINISTRATION	
700 Review Bodies	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Sets out some rules for composition and powers and duties for the Town Council, Planning Board, Board of Adjustment, TRC, an Planning Director	- Suggest establishing a general set of standards for all review authorities including more detail on conflict of interest, oath, rules for voting, identification of rules of procedure, and similar items - Generally this section needs more detail on composition, terms, chairs, and similar features - This section should identify the procedures decided by each review authority as well as the applications for which they provide recommendations - The section should identify the Watershed Review Board, the Floodplain Administrator, and the Stormwater Administrator, as well as other Town staff, like the building Inspector and Town Engineer
701 Summary of Review Authority	
Establishes a summary table of review authority responsibilities for the 18 procedures in the UDC	- Carry forward but supplement with information on pre-application conferences - Shift to alphabetical order - Suggest adding development agreements, expedited subdivisions, building permits, fence permits, stormwater permits, erosion control permits, floodplain development permits, riparian buffer impact statements, watershed permits, annexations, performance guarantees, and fees-in-lieu as individual procedures - Suggest adding appeal body on each permit (in some cases it is Superior Court)
702 Common Review Procedures	
Sets out the basic procedures used by the town to process development applications	- Suggest pre-applications be made optional for more less complex applications - Establish a more clear procedure for pre-application conferences and conduct with the TRC during their standing meetings; include a non-binding pre-application summary memo for the applicant - Suggest removing neighborhood meeting requirements for subdivisions (since they are ministerial) and for variances (since this information may not be relied upon during the hearing); include rules for meeting notice and conduct - Clarify that an application is not considered as submitted (for the purposes of permit choice) until it is deemed complete; clarify how notice of incomplete applications is delivered - Enhance the criteria for application completeness - Update notice table; add standards for constructive notice; - Suggest relocating withdrawal to its own subsection - Suggest adding sections on meeting procedures (legislative, evidentiary, etc.), effect of approval, expiration, limitations on subsequent applications to the common procedures section
703 Text Amendment	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)	
§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
The process for amending the text of the UDC	- Need to include details on required consistency statement from Planning Board - Clarify subsequent amendment and appeals processes - Discuss if text amendment applications submitted by an individual require a Determination or denial of another application first
704 Rezoning	
The process for amending the Official Zoning Map to establish or modify a conventional zoning district	- Suggest name change to Conventional Rezoning - Clarify these are for establishing a conventional zoning district only - Clarify who may file an application and the prohibition of 3rd party downzonings - Remove neighborhood meeting requirements for downzonings - Discuss if Planning Board consideration can be a meeting rather than a hearing - Describe if an how changes to the application will be processed during application review - Revise modification of application section (applicant may not modify conventional zoning application, but Town Council may reduce the request to a less intense zoning district) - Add details on effect of approval - Add details on amendments and appeals - Remove references to protest petitions (Sec. L)
705 Conditional Zoning District	
Describes the process for conditional amendments to the Official Zoning Map	- Add details on purpose and intent - Clarify all landowners must sign application - Clarify if a master plan may be treated as a site plan (depending on the level of detail) - Suggest three tiers of conditional rezoning district options (limited use, limited standards, and master planned) - Clarify that conditions of approval may be added upon agreement by all parties - Remove the size thresholds (counter-productive) - Discuss the degree to which an approved master plan is a site-specific vesting plan that does not run with the land (the zoning district designation does and any development may only be conducted pursuant to an approved, valid master plan) - Clarify that all subsequent plans, plats, and permits must be in accordance with the approved master plan - Revise modification standards to remove density adjustments as minors (State law prohibits) - Add more detail on expiration (of master plans), amendment, and appeal
706 Subdivision Review	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Sets out the process for subdividing land	- Suggest splitting the procedure into 6 different application types: exempt subdivision review, recombinations, expedited subdivisions, transfer plats (family subdivisions), minor subdivisions, and preliminary plats; Note- expedited subdivisions are not exempted from subdivision review and still require plats - Add standards barring major residential subdivisions in industrial districts and within designated employment centers - Suggest removing the neighborhood meeting from the subdivision process (it is ministerial and the appeal process remains available) - Remove sketch plan requirement from pre-application conferences for subdivisions under 50 lots and only one phase - Revise the three-year window for minor subdivisions and trigger preliminary plat review for any land subdivided with a minor subdivision after UDC effective date (excluding exempt and expedited subdivisions) - Treat minor subdivisions the same as final plats - Add review criteria for preliminary plats - Add provisions related to effect, amendment, expiration, and amendment of a preliminary plat - Add more detail on construction plans and required construction activities prior to application for final plat - Discuss desirability of establishing final plat as its own procedure - Clarify location of required certificate language - Appeals of decisions on subdivisions should be to Superior Court, not BOA
707 Site Plan Review	
Describes the site plan review procedure	- Add purpose and intent section - Expand the range of topics not requiring site plans (e.g., things that do not require building permits) - Suggest making site plans under a threshold size, cost, or type of development exempted from pre-application conferences - Describe relationship between site plan approval and subsequent aspects like stormwater, erosion control, performance guarantees, fee-in-lieu, etc. - Clarify the dedication and construction requirements for public lands or public infrastructure are required regardless of whether or not the land is being subdivided - Clarify what kinds of development requires submittal of as-built plans - Add more detail on expiration and appeal
708 Traffic Impact Analysis	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
The process for determining development's impact on traffic and the transportation network	- Add purpose and intent section - Clarify applicability in cases where portion of proposed development is existing; create opportunities for staff to require TIA in special cases - Clarify timing of TIA during review process (prior to most other reviews) and what happens if a development proposal is substantially modified subsequent to TIA approval - Clarify the timing of when required improvements must be completed relative to other approvals like final plats - Suggest appeals go to BOA
709 Zoning Permit	
The process for final zoning approval prior to building permit issuance or commencement	- Add purpose and intent section - Clarify what is exempt from a zoning permit - Clarify what is required for a zoning permit in cases where a site plan has not already been reviewed - Specify approval criteria
711 Special Use Permit	
Sets out the process for approval of use types subject to special use permit requirements	- Add purpose and intent section - Suggest revising the site plan requirement to a concept plan (with an option for preparing a site plan) site plan review would take place following approval of the special use and its concept plan - Consider adding factors to the review criteria that address the level of harmony and compatibility of the proposed use to its surroundings - Reduce the range of uses requiring special use permit review - Remove discussion regarding concurrent review with legislative applications since this is quasi-judicial - Add additional provisions regarding appeal
712 Temporary Use Permit	
Sets out the permit for temporary uses and structures	- Add a purpose and intent section - Clarify applicability for temporary signs, accessory structures/uses, and temporary activities not listed in the Temporary Uses section of the Uses article - Reconsider the 30-day upper limit as some temporary uses may need to be in place for longer periods - Add a section on expiration
713 Sign Permit	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
The process for approval of signage	- Add a purpose and intent section - Clarify the distinctions between sign plans decided by staff versus the Town Council - Clarify the relationship between sign permits and sign inspections - how do these aspects relate? - Clarify - is a temporary sign permit a sign permit or a temporary use permit? - Add details on effect and amendment
715 Written Interpretation	
Describes the process for requesting a written interpretation	- Change name to Determination - Add a purpose and intent section - Broaden to address unlisted uses, undefined terms, UDC text provisions, Official Zoning Map boundaries, conditions of approval, and vested right status - Suggest two kinds of Determinations: advisory (non-binding) and formal (written & binding) - Include standards for each type of determination - Include sections on effect, amendment, expiration, and appeal - Include a section about unlisted use types and the inclusion of a text amendment at the Town's discretion
716 Variance	
Sets out the procedure for deviating from certain UDC standards	- Add a purpose and intent section - Consider dropping neighborhood meeting requirements (inadmissible) - Clarify if this procedure is the one used for granting reasonable accommodations: if so, add criteria - Clarify if this procedure is used for stormwater and water supply watershed variances (assume flood standards include their own variance provisions) - Add additional sections addressing effect, amendments, and appeals - Clarify what may not be varied (uses, density, others?)
717 Administrative Appeals	
Sets out the process for appealing a Town staff decision	- Add a purpose and intent section - Clarify that appeals of other review authorities and appeals of decisions on subdivisions are taken to Superior Court - Clarify if the Town Manager (or a different staff member) hears appeals of items outside the UDC - Clarify the ability to file an original civil action - Clarify decisions on an appeal require a simple majority vote - Add criteria for appeal decisions

718 Zoning Vested Right



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Describes how vested rights are established	- Suggest referring to this as a vested rights certificate and that it be used primarily as a way to establish a site specific vesting plan status for site plans, preliminary plats, and construction plans (note it is unclear what a construction plan is) - Establishment of a site specific vesting plan requires the conduct of a noticed public hearing by the elected body - remove ability to delegate vested right status - Need to address the issue of conditional zoning master plans - the conditional rezoning section says approvals run with the land, but this section indicates master plans are site-specific vesting plans (that have an end) - The vested rights certificate can also allow an expanded vested term up to 5 years (note multi-phased developments are vested for 7 years automatically and do not require prior approval of a vested rights certificate) - Discuss the current effective date - this is 30 years old
720 Enforcement	
Includes the enforcement provisions of the UDC	- Suggest a complete overhaul to this very abbreviated section - Consider if this should remain with procedures or become its own article - Needs purpose and intent, details on statutes of limitation, a description of the types of UDC violations, identification of responsible persons, a description of the enforcement responsibilities for various staff members under the UDC, details on the enforcement procedure, the range of available remedies available to the town, and a description of the assessment of civil penalties process - Remove any reference to misdemeanors for most land use-related violations (these are decriminalized - stormwater/erosion control violations may still be processed as criminal violations)
721 Tree Clearing Certificate	
Sets out the Town's special authorization for tree protection in areas adjacent to property boundaries	- Discuss effectiveness of these standards; consider revising to function more as temporary screening for clear cutting adjacent to roadways - Clarify how vegetation, if any may be removed from protected areas during and after development - Clarify the degree to which retained vegetation is credited towards existing landscaping requirements - What are the standards for grading and development in areas adjacent to tree protection areas in order to ensure protected trees are not damaged Discuss if these standards should be revised to mandate removal of existing invasive species in retention areas - Include illustrations



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)	
§155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
ARTICLE 8: DEFINITIONS	
800 General	
Sets out the rules of language construction	- Supplement with additional clarity regarding how time is calculated, delegation of authority, cross referencing, tenses, gender, plural versus singular, synonymous terms, and other aspects
801 Abbreviations	
Identifies the abbreviations and acronyms used in the UDC	Carry forward and update as appropriate
802 Defined Terms	
Provides the definitions for some of the terms used in the UDC	- Supplement with definitions of each procedure, review authority, land use type, and other defined terms - Include notice to readers that some definitions, like sign types and flood-related definitions may be found in other parts of the ordinance - Ensure there are no standards included within definitions



APPENDIX - STAKEHOLDER INPUT SUMMARY

Task 1, Initiation, of the Codify Clayton project includes a series of 10 interviews with 20 different project stakeholders, including members of the development community, Town officials, and other interested parties. This summary report details the input collected during these interviews. The table below identifies the various interview dates and stakeholders who provided comments:

INTERVIEW DATE	STAKEHOLDER GROUP	PARTICIPANTS
4.27.22	Engineering Community	Donnie Adams - Adams & Hodge Richard Brown - Kimley-Horn Austin Roland - Kimley Horn Spencer Meekins - McGill Assoc.
4.27.22	Archer Lodge	Mike Gordon, Manager Julie Maybee, Planning Director
5.3.22	Developer Representatives	Kent Alexander
5.3.22	Developer Representatives	Dave DeYoung - Hearth Pointe Haley Hogg - Hearth Pointe Emily Beddingfield - James Lipsomb
5.5.22	Developer Representatives	Trey Adams - Atlas Stark
5.5.22	Economic Development	Patrick Pierce - Clayton Economic Development Dana Wooten - Clayton Chamber of Commerce Paul AuClair - Owner, Deep River Brewing Co.
5.6.22	Town Officials	Andria Archer - Town Council Avery Everette - Town Council
5.12.22	Developer Representatives	*
5.23.22	Town Officials	Jason Thompson - Mayor Pro Tem Porter Casey - Town Council
5.23.22	Town Officials	Jody McLeod - Mayor Michael Sims - Town Council

* No attendees. Twelve developer representatives were identified and contacted about attending one of the four interviews. A total of five developer representatives participated in the stakeholder interviews (a participation rate of 42%).

The next pages provide a summary of the input collected from the 20 stakeholders interviewed. Individual responses are held in confidence, but the following pages provide a summary of comments, organized by ten different topic areas.



APPENDIX - STAKEHOLDER INPUT SUMMARY

1. Codify Clayton Project, Generally

The following are paraphrased comments made about the project in general:

- Make sure the UDC Committee and stakeholders understand project timelines and their roles
- Make sure the community's questions get answered
- Be sure there is an appropriate amount of public comment during the process
- Listen to the development community and address their concerns, but remember that there are numerous different voices and perspectives on what is needed and we must maintain balance
- The Town and the UDC need to be open and communicate expectations about taking the Town to the "next level" in terms of livability and development quality

2. Town Staff

Interviewees provided the following comments about experience with Town staff (in general) during the development review process:

- The Town staff has a great customer service attitude
- Staff turnover has been an issue
- Recent changes in Town staffing during application review has been a challenge
- There are several new staff members who are not yet familiar with the Town's development review processes
- With respect to conditional rezoning, planning staff has been easy to work with but engineering staff has been more of a challenge
- Sometimes it feels like the Engineering staff is trying to do the engineering for the engineers - too much time in the weeds instead of focusing on more important aspects
- There is an apparent disconnect between Planning staff and Engineering staff
- Planning staff's stance on alternative compliance is decisive, not so some of the other Town departments
- It is still possible to call the Town, speak with a person and get an answer (which is good), but the Town needs to make it more clear who to call with particular questions

3. Development Review Process

Comments about the development review process are organized into four categories: General, Pre-application, Specific procedures, and Inspection:

A. General

- The Town has been heading in the right direction with the 160D changes and the associated procedural streamlining
- People can appreciate the Town's growing pains, but the Town needs a new way to make the development review process more predictable and transparent - there is too much subjectivity in the current rules
- We need to establish more transparency - no surprises for applicants
- We don't want developers to expend huge sums of money prior to getting an answer about whether or not their proposal will be approved
- The upfront costs of planning approval are currently a disincentive to new business starts
- The Town needs someone to help guide new business startups through the planning/entitlement process
- The new UDC needs more predictable development review



APPENDIX - STAKEHOLDER INPUT SUMMARY

- The Town needs to allow trained Town officials to make decisions without going to hearings or via legislative discretion. This would add greater predictability and reduce the time needed to get through approval. The Town needs to empower the staff to make more decisions administratively

B. Pre-application

- Pre-application conferences are a great intention, but meetings are not always productive. It takes a while to schedule one, and staff is not always prepared for meetings. Frequently comments, issues, and concerns that did not come up during pre-application conferences arise during submittal review
- The value of the pre-application conference is directly proportional to the amount of detail provided on the sketch plan
- Some departments don't show up to pre-application conferences
- Sometimes staff doesn't review the required sketch plan prior to the meeting
- There is support for the full TRC conducting pre-application conferences
- Regularly receives conflicting or contradictory comments from those given during a pre-application conference or 1st plan submittal
- It is typical to receive brand new comments following first round of review by Town
- Suggestions for preparation of a pre-application summary by staff after the conference
- Need to clarify application timing

C. Specific Procedures

- Double check the review authority table for accuracy and consistency with modern best practice
- Need to minimize or do away with special use permits – also the current UDC requires fully engineered site plans to be submitted with an application for a special use permit; this requires applicants to incur significant costs before even knowing if the proposal will be approved
- Consider allowing special use permits to be submitted with a concept plan instead of a site plan
- Remove requirements for neighborhood meetings as part of subdivision review (since these are ministerial)
- Suggest adding development agreement procedure
- The UDC needs a clear process to consider unlisted use types

D. Inspection

- On-site inspections are a problem – there are often differences between what approved plans say and what the inspector wants (problems occur when the plan reviewer and the building inspector differ)
- The inspections portion of the development review process remains on schedule, but the plan review portion is often behind schedule – plan review needs to be more efficient
- The Town needs to shift fully away from paper plan submittal to fully digital plan submittal

4. Increasing Development Quality

The need to increase the quality of new development was mentioned by a few stakeholders:

- The Town needs to raise the bar for development quality and ensure the review process and development rules have as little bureaucracy as possible



APPENDIX - STAKEHOLDER INPUT SUMMARY

- Through the process of raising development quality, we must avoid some of the challenges experienced by other Triangle communities - we don't necessarily want to be as expensive a place to develop as some other communities
- Much of the recent residential development appears to be of low quality and this needs to be addressed moving forward

5. Incorporating Flexibility and Incentives into the Development Process

Comments about the need for increased flexibility and incentives for preferred forms of development are summarized below:

- Incentivize the development the Town wants to see, and make it the path of least resistance - if there is uncertainty, applicants may shy away
- There needs to be increased flexibility and relief
- Revise the current code's reliance on variances with new provisions that allow for flexibility
- The current code gets in the way of redevelopment and needs more flexibility (parking/landscaping/development standards) to accommodate redevelopment instead of having to go for a variance
- Suggest the ability to do off-site provision of some required development feature as can be done with some impervious surfaces across the same watershed
- The process and standards for applying alternative forms of compliance needs better organization and a more clear process for how flexibility may be applied
- There needs to be more flexibility in the implementation and interpretation of development standards as they apply to sites that are not open to the general public - these "private" sites should be treated differently with less stringent requirements
- Need a mechanism to allow flexibility to build-to lines
- The landscape standards need more flexibility
- Consider a quasi-judicial process for alternative sign plans
- Open space subdivisions are not frequently used because there may be more flexibility available under the CZ process
- A voluntary or incentivized conservation subdivision process is needed
- Consider allowing higher densities by-right along trails and parks
- Suggest incentives for land preservation (like additional densities) on lands beside RCAs
- Incentivize LID but recognize that there is not a lot of expertise in LID design

6. Downtown Clayton

Despite the Town's pending efforts on re-doing the Downtown Master Plan, several interviewees provided comments about necessary revisions for the downtown area:

- The codify clayton project needs to review the downtown overlay, downtown core/support area, and the historic district - how do these things work together?
- We need to protect the "hometown feel" of downtown
- Infill development in downtown is important - we need to make sure we are creating opportunities for activity and sense of place
- The Town needs to better activate the downtown spaces - how to foster more retail floor area? There is lots of demand for retail, but not enough space
- There is strong demand for retail space in downtown, and yet we are slow to see redevelopment



APPENDIX - STAKEHOLDER INPUT SUMMARY

- There are empty spaces/buildings in downtown, but unclear what factors are keeping them from being filled
- It seems like the Town is losing the Downtown's residential character- Many of the former residential buildings are being converted to non-residential uses- why is this happening and how can we slow/stop it?
- There is a desire to see more upper-story residential in former homes that now have 1st floor non-residential uses
- Tourists and visitors to downtown are making it harder to live for downtown residents- downtown business establishments are too busy
- Suggest removing parking requirements in downtown, especially for upper-story residential
- There are areas of B-1 zoning outside of downtown- should there be a new downtown zoning district? The Town should distinguish between areas of B-1 in downtown versus areas of B-1 outside of downtown

7. Use Standards

Comments related to the use provisions in the current UDC are organized into four groups: Residential, Non-residential, Accessory, and Temporary:

A. Residential

- There is a lot of difficulty in developing multi-family development
- The townhouse standards are bad and are not directing townhouses where they need to go
- Need to allow multi-family development by-right or by conditional rezoning, not by special use permit
- Apartment, duplexes, and townhouses should have dimensional standards either by use type or by district where permitted instead of unique standards established by SUP
- 20,000 sf lots for apartments in B-1 discourage apartments in downtown

B. Non-residential

- The UDC needs to distinguish between commercial versus employ-generating uses
- The town should prohibit religious institutions within in-line shopping centers - okay in stand-alone former retail buildings
- Need more clarity about distinctions between restaurant, bar, and cocktail lounge
- Non-residential development within a residential district requires public sewer which seems unlikely - is this requirement working?
- Need to update the standards for cell towers and small wireless facilities
- We want to incentivize amenities like restaurants and entertainment

C. Accessory

- Need to expand the standards for accessory uses
- Need to better regulate food trucks - front door separation standards are a problem; food trucks not permitted on vacant lots; a special event permit is required to accommodate more than 2 food trucks on a single lot (but some business have more than 2 trucks on a regular basis); can a food truck stay in one place forever? Can a food truck be operated by a use that is not a restaurant?
- There needs to be more work on outdoor storage uses, whether as an accessory or a principal use
- There may be a need to further evaluate Airbnbs
- Some standards, like those for outdoor seating, include provisions that could get the Town in hot water



APPENDIX - STAKEHOLDER INPUT SUMMARY

D. Temporary

- Temporary use permits are a problem
- All temporary use standards need to be in one place in the UDC
- There needs to be consistent treatment of public and private temporary uses

8. Development Standards

The majority of comments from stakeholders related to development standards in the current UDC. Comments are organized into the following groups: General, Dimensional provisions, Parking, Landscaping, Open space, Signage, Design, Environment, Infrastructure, and Master plans:

A. General

- There often seems to be mismatch between Town policy and code requirements
- It is easier to develop greenfield sites than existing sites
- The rules for when development of a non-conforming site must reach full code compliance are not sufficiently clear to be enforceable
- The 125% standard for fee-in-lieu seems onerous and punitive; also the fee-in-lieu standards should include requirements that the Town use the funds proximate to where the funds are collected

B. Dimensional Provisions

- Do we need both density and minimum lot sizes - also need to clarify how density is calculated
- Need to review max height standards for residential and non-residential; the Town has a ladder truck
- RCAs should count towards lot size
- Need to clarify if max density (12 DU/AC) applies to CZ districts

C. Parking

- The UDC is too specific in terms of parking requirements
- Parking lot standards (like minimum stall widths) are too onerous and unnecessary
- Parking standards for some uses (like medical offices) are too high
- Parking requirements are too high generally, the UDC needs lower minimums and new parking space maximums
- Parking standards should list parking standards for uses listed in use table to avoid confusion
- Parking/vehicle storage for sale should be on improved surfaces only; explore requirements for unimproved parking surfaces - should this be revised?
- Stacking standards should ensure no blocking of accessible spaces

D. Landscaping

- There is a need for more clarity with respect to the landscaping requirements
- Landscaping standards lack flexibility- they need to have more grey area in order to have flexibility (especially to parking lots)
- Landscaping standards based on square footage make sense for commercial buildings but not industrial buildings
- Perimeter buffers need to be re-done. In many cases, buffers are required adjacent to unbuildable land
- Some of the buffer standards are outdated, like requirements for additional buffers when narrow lots abut wider ones
- Current buffer standards are not factoring in existing vegetation sufficiently



APPENDIX - STAKEHOLDER INPUT SUMMARY

- Requirements for fences within perimeter landscaping buffers abutting existing buffers on other lots or abutting unbuildable land is unnecessary
- Sometimes landscaping and screening standards are applied along lot lines that will never be seen by the public
- The street tree requirements seem to be applied in draconian ways on some projects and not at all on others
- Landscaping standards need more clarity and remove the parking lot landscaping size exemption
- Consider revisiting screening requirements for dumpsters, including existing ones
- Problems with the landscaping standards seem to occur most frequently in the downtown
- There should be a street tree program and remove the current one tree per lot standard
- Plant list is outdated

E. Open Space

- There is concern over the park and recreation system fee amounts
- Recreation system fees are too high and should be reduced as part of provision of private common open space as well as for dedication of parkland
- The open space requirements need complete overhaul - too many may or should - need more specificity regarding requirements and quality also need more clarity how this relates to greenways
- Need better open space amenity standards
- Ensure that required open space is not just "throw away" land
- Consider supplementing the greenway standards with provisions that allow the Town to determine when greenway provisions are not feasible

F. Signage

- The sign code is written for "bad actors" and is too heavy-handed
- Current limits on directory signage for multi-building developments are problematic

G. Design

- The UDC needs architectural/design standards with requirements for aspects like materials
- Consider integrating form based code elements where appropriate
- Replace the current thoroughfare overlay district with real overlay standards that address building design, setbacks, cross-access, sidewalks, etc.
- Need design standards, not guidelines
- Outdoor lighting needs to be updated
- Consider creating transit oriented development standards

H. Environment

- Revisit steep slope provisions - should this even be in the UDC?
- Water supply watershed standards need to be revisited - where is the Town on its total allowable impervious surface?
- The watershed protection standards need more clarity; even though the stormwater standards exceed the WPO, there are still standards to address
- It may not be reasonable to set aside all 15% slopes from development
- The ERM requirement for projects over 20 acres is not realistic - developers will not have that data available prior to the pre-ap
- The stormwater standards need to recognize/grandfather existing lots and already platted infill lots in downtown and just apply the applicable State standards - there should be a reduction in standards for these infill lots

I. Infrastructure



APPENDIX - STAKEHOLDER INPUT SUMMARY

- Need a better way to balance sidewalk requirements to address redevelopment and avoid the “sidewalk to nowhere” phenomenon- also the 10-lot exemption is strange
- Getting a handle on the available wastewater allocation has been a real problem. It is very hard to get a sense of available allocation or wastewater capacity
- Are there cases where non-residential development could be developed without sewer?
- Dealing with streets has been a problem in the past – the standards lack flexibility and it is difficult or impossible to propose configurations that differ from the standards even in cases when staff prefers the alternative configuration
- There are lots of conflicts and confusion between Appendix D (Fire Code) the UDC, and the Town Code. Planning staff direct one type of street, fire folks want another type of street
- The street standards need more clarity
- Need more clarity on when streets can be private, and what those standards are
- Ensure streets standards are consistent with the Engineering Manual
- Minimum number of access point standards are not clear when the development has different kinds of residential development
- The fire access road requirements are too strict and too rigid
- The Town has two different sight triangle requirements – why?
- There are driveway setback conflicts
- The Town has ‘lost its way’ with respect to public drainage easements serving street drainage concerns

J. Master Plans

- Changing prior approved master plans has become more difficult. Planned developments need to be able to be changed over time
- Need to clarify if a master plan can propose a deviation in minimum standards and if so, under what conditions
- Need more clarity on the distinctions between major and minor amendments associated with CZ applications - way too subjective
- Do the current CZ standards make sense or has the procedure been affected by conversion of PDDs?
- There needs to be better guidance on phasing – what happens when an applicant is developing a portion of a larger site – what has to be completed as part of the portion versus what can wait until more of the whole site is done

9. Other Issues

There were a series of comments that are not easily included with the other eight categories; these comments are paraphrased here:

- There is no list of adopted policy guidance, and this should be addressed. Also, some things treated as policy guidance (like design standards) are not adopted
- The development webpage is out of date
- The permitting website isn’t clear (numerous dead links, slow loading, hard to determine how to submit plans, and need to have a better description of submittal requirements
- The Town needs to tell applicants what system fees are going to be applicable up front (like at pre-apps)
- There is no clear structure for spending system fees in areas proximate to where they are collected



APPENDIX - STAKEHOLDER INPUT SUMMARY

- Water rates for non-residential development are significantly higher than in surrounding jurisdictions
- It would be good for the Town to work with other local governments on trail connectivity, infrastructure, economic development, and means to address traffic
- Will the zoning map be updated to remove PDDs?
- Is office-residential a necessary zoning district?

10. New UDC Document Structure & Organization

The final set of comments deals with desires for the updated UDC rather than concerns about the current code or review process. These comments are summarized below:

- Do away with ambiguity and loopholes
- The current UDC is hard to understand and needs to be understandable by the average person
- Make sure the document is properly structured so that the Town can maintain it themselves
- The document must have accurate references and all obsolete references should be removed or updated
- Current code cross references are inaccurate - new UDC should include hyperlinked cross references and should also link to NCGS
- The UDC needs more pictures, illustrations, tables, flow charts, and use of color
- Include a table of contents
- Rename major code sections with more intuitive names
- Many of the current use definitions also include applicable development requirements. Standards should be with standards, not in the definitions
- Need to eliminate repetition and duplicity throughout current UDC
- Ensure the final document is available as a single pdf file

This feedback will be incorporated into the Diagnosis (Task 2) and the Annotated Outline (Task 3) portions of Codify Clayton and will be used to inform the recommendations for change included within subsequent project work products. Information from the public, Town staff, and Town officials will also be collected and integrated over the course of the project.



APPENDIX - COMMENTS ON DRAFT DIAGNOSIS

Section to be completed following completion of public forum one and the associated public comment period.

