The Town of Clayton
Town Council Work Session Meeting Agenda
Monday, March 20, 2017 @ 6:30 PM
Council Chambers
AMENDED
Item 7e – Additional Document Added

1. CALL TO ORDER

Pledge of Allegiance and Invocation

a. Pledge of Allegiance
- Girl Scout Troop #1397

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

a. DRAFT Minutes
- March 6, 2017 - Regular Session

March 6, 2017 DRAFT Minutes

b. Certificate of Sufficiency of Annexation Petition - 2017-28-ANX
Certification of Sufficiency- 2017-28-ANX

POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Warranty Acceptance(s)
- Final Acceptance - Johnston Medical - 50 Bed Addition
- Final Acceptance - RWAC Phase 6A-1, 6B, 6C, & 6E

Cover - Warranty Acceptance
Final Acceptance - Johnston Medical
Final Acceptance - RWAC Phase 6A-1, 6B, 6C & 6E

POTENTIAL ACTION: Place on April 3, 2017 Consent Agenda

b. Proclamation Request - Fresh Air Fund

Cover - Proclamation Fresh Air Fund
Proclamation - Fresh Air Fund

POTENTIAL ACTION: Place on April 3, 2017 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Proclamation Request - "Stand for the Silent" (Anti-Bullying)
Presenters: Girl Scout Troop #1397 Members

Cover - Proclamation Request - Stand for the Silent
Proclamation - Stand for the Silent

POTENTIAL ACTION: Place on April 3, 2017 Consent Agenda

6. PUBLIC HEARINGS

7. ITEMS SCHEDULED FOR THE REGULAR MEETING

a. Surplus Property - Fire Engine
Presenter: Lee Barbee, Fire Chief
Cover - Surplus Property - Fire Engine
Memo - Fire Engine Surplus
Fairmont Fire Department Request
Resolution -Surplus Fire Engine

POTENTIAL ACTION: Place on April 3, 2017 Consent Agenda

b. Annexation Petition 2115 Amelia Church Road 2017-28-ANX
Presenter: Planning Department
Cover - Annexation - 2115 Amelia Church Road - 2017-28-ANX
Application - 2115 Amelia Church Road 2017-28-ANX
Map (Aerial) - 2115 Amelia Church Road 2017-28-ANX
Map (No-Aerial) - 2115 Amelia Church Road 2017-28-ANX
Deed - 2115 Amelia Church Road 2017-28-ANX
Public Notice - 2017-28-ANX Amelia Church Rd
Resolution Setting Public Hearing - 2017-28-ANX

POTENTIAL ACTION: Set Public Hearing for April 3, 2017

c. Rezoning 2115 Amelia Church Road - 2017-15-RZ
Presenter: Planning Department
Cover - 2115 Amelia Church Road - 2017-15-RZ
Application - 2115 Amelia Church Road - 2017-15-RZ
Staff Report - 2115 Amelia Church Road -2017-15-RZ
Staff Map - 2115 Amelia Church Road - 2017-15-RZ
Neighborhood Meeting - 2115 Amelia Church Road - 2017-15-RZ
Public Notice - 2017-15-RZ

POTENTIAL ACTION: Set Public Hearing for April 3, 2017

d. Text Amendment Chapter 200 Amendment - Use Table & Zoning Districts 2017-21-OA
Presenter: Jay McLeod, Senior Planner
Cover - Chapter 200 Amendment Use Tables & Zoning Districts - 2017-21-OA
Application - Chapter 200 Amendment Use Table & Zoning Districts - 2017-21-OA
Staff Report - 2017-21-OA Chapter 200 Amendment Use Tables & Zoning Districts - 2017-21-OA
Draft - Chapter 200 Amendment Use Tables & Zoning Districts- 2017-21-OA
Public Notice - 2017-21-OA Chapter 200 Amendment

POTENTIAL ACTION: Set Public Hearing for April 3, 2017

e. Notice of NCEMPA Wholesale Rate Change
Presenter: Dale Medlin, Electric System Director
Cover - NCEMPA Wholesale Rate Change
NCEMPA 30 Day Notice
2015 Report
Rate Analysis

8. ITEMS CONTINGENT FOR THE REGULAR MEETING

9. ITEMS FOR DISCUSSION

10. ITEMS REQUIRING ACTION

(In order for any action to be taken during a Work Session, a motion must be made and seconded to suspend the rule to allow action to be taken.)

11. OLD BUSINESS

12. STAFF REPORTS

a. Town Manager
- Police Chief Update

b. Town Attorney

c. Town Clerk

d. Other Staff

13. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

14. ADJOURNMENT

The Town of Clayton
Regular Town Council Meeting Minutes
Monday, March 6, 2017 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Lawter
Council Member Holder
Council Member Thompson

STAFF PRESENT:
Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Kimberly Moffett, Town Clerk
Katherine Ross, Town Attorney
David DeYoung, Planning Director
Christie Starnes, Library Director
Pam Taylor, Library Assistant
Tim Simpson, Public Works Director
Dale Medlin, Electrical Superintendent
Larry Bailey, Parks & Recreation Director
Stacy Beard, Public Information Officer
John Hamlin, Assistant Public Information Officer

1 CALL TO ORDER

Pledge of Allegiance and Invocation

a) Mayor McLeod called the meeting to order at 6:32 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

a) DRAFT Minutes
February 6, 2017 - Regular Session
February 6, 2017 - Closed Session
February 20, 2017 - Regular Session

b) Warranty Acceptances:
- Parkview Subdivision, Phase 15
- Amelia Station Medical Building
- RWAC Ravens Ridge 8B1 &8B2
- RWAC Alpine Valley Phase 6D-2
- RWAC Ravens Ridge Phases 2D & 2F

c) Arbor Day Proclamation - Arbor Day Celebration will be held March 17, 2017

d) Appointments to Planning Board
- Randy Wilkins - In Town
- Ross Benson - ETJ

e) Sewer Ordinance Regulations Revisions

f) Resolution Directing Clerk to Investigate Sufficiency - Annexation #2017- 28-ANX

ACTION: Approval of Consent Agenda as Presented

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

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Hocutt-Ellington Memorial Library Teen Advisory Board
Presenter: Pam Taylor, Library Assistant

Ms. Taylor presented information regarding the recently formed Library Teen Advisory Board. She spoke about the creation of the board and many of the projects they are involved with. Ms. Taylor shared information about events the board has been involved with to date including the designing of board t-shirts, delivering of Christmas cards to residents at the Brian Center and the Valentines' Day celebration at the Brian Center. Additionally the teens will be assisting with the Friends of the Library annual book sale and will be holding a "teen block party" over the summer.

Abigail Rogers, a member of the advisory board, is a senior at Corinth Holders and shared how important being party of this board has been. She introduced all the board members. A video was shared that captured the recent Valentine's Day visit to the Brian Center. Abigail shared that the Administrator at Brian Center requested the group return for another visit. The visit was a very positive experience for the residents and the teens.

The proposed teen block party, "Rock the Block", is scheduled for Saturday, April 29, 2017 from 3:00 to 6:00 p.m. This event will be held on Church Street. Contact has been with made with the Woman's Club and The Wagner, both are excited and supportive of the event. The Police Department has offered to provide grills and volunteer their time to grill and hang out with the teens for relationship building. The Parks and Recreation Department will be providing coolers and corn hole games. Pepsi is donating soda and water as well as door prizes. It is hoped that there will be 75-100 teens in attendance. Board members are promoting the event to their schools.

Request made for closure of Church Street on April 29, 2017 for the event.

Mayor Pro Tem Grannis thanked the Library Team and all members of the Teen Advisory Board. He spoke about the positive influence and stated he hopes to see it grow. The Mayor offered his thanks and appreciation.

ACTION: Approval of Street Closure - Church Street

Motion: Mayor Pro Tem Grannis

Second: Council Member Holder
Vote: Unanimous

5 PUBLIC HEARINGS

6 OLD BUSINESS

7 NEW BUSINESS

a) Recommendation of Bid Award - Rollingwood Gravity Sewer Outfall
Presenter: Tim Simpson, Public Works Director

Mr. Simpson provided detailed information regarding this project and bid process. The low bid was received from Sanford Contractors, Inc. A total of three bids were received. It was requested that bid be awarded Sanford Contractors, Inc.

ACTION: Approval of Resolution #2017-05 Awarding Bid to Sanford Contractors, Inc.

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

8 STAFF REPORTS

a) Town Manager

Mr. Lindsay asked that Mr. Bailey announce some wonderful news; the awarding of a PARTF grant to Clayton in the amount of $89,910. This is a 4-1 match grant. This grant will be a catalyst in moving forward with the Universal Playground. The Mayor stated this was huge and offered his congratulations to all involved. Mr. Bailey introduced members of the fundraising group for the playground, who shared information about the upcoming fundraising efforts to include a large golf tournament to be held on May 5, 2017.

Mayor Pro Tem Grannis congratulated everyone for the amazing strides.

b) Town Attorney

c) Town Clerk

d) Other Staff

- NCDOT Widening & Safety Road Improvement Update
  Presenter: David DeYoung, Planning Director

Mr. DeYoung provided a Power Point update regarding NCDOT road improvements. He shared information about scheduled upcoming projects and road improvements. He also shared comparisons of 2015 and 2045 traffic

congestion and a deficiency analysis. Information was providided about the following projects:

Southeast Area Study - Traffic Counts
Southeast Area Study - Critical Projects
2040 MTP Metropolitan Transportation Planning - Roadway Projects
NCDOT 2016-2015 STIP
50 to 70 Bypass - Scheduled for 2020
70 Bypass - Lombard Street (42 West) – Scheduled for 2023
NC 42 East - Glen Laurel Road to Buffalo Road – Scheduled for 2018
Southern Connector - Design by 2025, (this project currently lacks Division 4 support as they have concerns about going through Cobblestone with 4 lane roadway)
US 70 Bypass Conversion -

District 4 Projects:
NCDOT US 70 Resurfacing/Safety Project

Council Member Satterfield shared concerns regarding the area by the Food Lion Shopping Center and requested that NCDOT be reminded this area is prone to flooding. He also had concerns regarding traffic on the private road at this location and added traffic on this road and any necessary future road repair. Staff will follow up with Town Manager on this issue.

Mayor Pro Tem Grannis asked if both Highway 42 projects were funded and Mr. DeYoung stated they were both funded. Council Member addressed some safety concerns regarding Shotwell. The developer is currently waiting on NCDOT approval. Mr. DeYoung stated there is concern that signage is currently located in NCDOT right of way. Mayor Pro Tem Grannis asked about any update on Shotwell and Covered Bridge Road. It was stated there was nothing new at this time and when lot 100 was reached this would trigger developers agreement.

Mayor McLeod shared his thoughts regarding traffic concerns today as well as the projections for 2045. He addressed the need for continuing economic development issues and hopes habits will change and there will be more travel opportunities to include light rail, etc. Council Member Lawter added that we need to start thinking about how future projects will be funded. Mr. DeYoung stated that all projects presented are those of NCDOT.

9 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

10 ADJOURNMENT

a) With there being nothing further, the meeting was adjourned at 7:20 p.m.

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

Duly adopted this the 20th day of March, 2017 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

ANNEXATION PETITION 2017-28-ANX
Town Property @ 2115 Amelia Church Road
Parcels 05G03008B
Owners: Town of Clayton
Contiguous; 19.84 +/- acres

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Clayton, North Carolina:

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this 20th day of March, 2017.

_____

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town Council Agenda Cover Sheet

Meeting Date

March 20, 2017

Agenda Location

Administrative Items

Item Title

Final Acceptance

Presenter (Name & Title)

Chris Rowland, Construction Project Administrator

Summary/Description

1. Final acceptance request for public water, sewer & all pertinent easements for Johnston Medical Hospital 50 bed addition.
2. Final acceptance request for public water, sewer, storm drainage & all pertinent easements for RWAC, Phase 6A-1, 6B, 6C & 6E.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

TOWN OF CLAYTON
OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530

"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Coordinator

Copy: Sam Bohannon, Ingram Civil Engineering Group, LLC.
Para Smith, Development Services Coordinator

Date: February 16, 2017

Re: Johnston Medical Hospital- 50 Bed Addition

Please place the final acceptance request for the subject public water and sewer utilities along with all pertinent easements on the next available agenda. A final inspection was performed with all noted items corrected by the contractor. Upon final acceptance, the Town will assume all operation and maintenance duties.

653 Highway 42 West • P.O. Box 879 • Clayton, North Carolina 27520 • (919) 553-1530 • Fax (919) 553-1541

TOWN OF CLAYTON
OPERATIONS CENTER

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"ENVIRONMENT"

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(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator

Copy: Donnie Adams, DC Adams Engineering
Para Smith, Development Services Coordinator

Date: March 8, 2017

Subject: RWAC, Phases 6A-1, 6B, 6C, & 6E

Please place a final acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. A final inspection was performed with all identified items completed. Upon final acceptance, the Town will assume all operation and maintenance duties.

653 Highway 42 West • P.O. Box 879 • Clayton, North Carolina 27520 • (919) 553-1530 • Fax (919) 553-1541

Town Council Agenda Cover Sheet

Meeting Date

March 20, 2017

Agenda Location

Administrative Items

Item Title

Proclamation - Request Fresh Air Fund

Presenter (Name & Title)

Kimberly Moffett, Town Clerk

Summary/Description

Request a Proclamation for the Fresh Air Fund. This is a program for children that live in New York city to come visit and enjoy back yards, parks, greenways, and open spaces. This is a way to encourage children to enjoy time spent outside. One family in Clayton will be participating in this program this summer.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Proclamation

the Fresh Air fund
serving children since 1877

Town of Clayton
PROCLAMATION
The Fresh Air Fund

WHEREAS, The Fresh Air Fund provides free summer experiences in the country to New York City children each summer, and

WHEREAS, The Fresh Air Fund allows city children to visit the homes of volunteer host families from Virginia all the way to Maine and even Canada, and

WHEREAS, One Clayton family will be participating in The Fresh Air Fund's Volunteer Host Family program for the 2017 summer, and

WHEREAS, The Fresh Air Fund allows New York children to enjoy Clayton backyards, parks, greenways, and wide open spaces, and

NOW, THEREFORE, the Honorable Mayor and Clayton Town Council wish to recognize

THE FRESH AIR FUND

We urge all citizens to support and encourage children of ages to value all summertime experiences by getting outside and enjoying fresh air and the wonderful experiences offered by The Fresh Air Fund

Duly proclaimed by The Clayton Town Council this the 3rd day of April 2017.

_____

Jody L. McLeod
Mayor

Town Council Agenda Cover Sheet

Meeting Date

March 20, 2017

Agenda Location

Introductions & Special Presentations

Item Title

Proclamation Request - Stand for the Silent

Presenter (Name & Title)

Members of Girl Scout Troop #1397

Summary/Description

Members of Girl Scout Troop #1397 will be present and will request a Proclamation recognizing an anti-bullying program. Stand for the Silent was founded in 2010, and the mission is simple: bring awareness to bullying and the real devastation it causes.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Draft Proclamation

Proclamation

WHEREAS, bullying is harmful and hurtful when directed at a person or group of people; and

WHEREAS, bullying can occur in neighborhoods, playgrounds, schools, through the internet and cell phones; and

WHEREAS, bullying is the most common form of cruelty affecting millions of American children and adolescents; and

WHEREAS, targets of bullying are more likely to acquire physical, emotional and learning problems; and

WHEREAS, children who are repeatedly bullied often fear such activities as riding the bus, going to school, and attending community activities;

NOW, THEREFORE, I, Mayor Jody McLeod, on behalf of the Clayton Town Council, urge all citizens to support all children by building a safe environment where everyone is free of fear and bullying and hereby recognize Girl Scout Troop 1397 as they;

"Stand for the Silent"

Duly adopted this 3rd day of April 2017.

_____

Jody McLeod
Mayor

Town Council Agenda Cover Sheet

Meeting Date

March 20, 2017

Agenda Location

Items Scheduled for the Regular Meeting

Item Title

Surplus Property - Fire Engine

Presenter (Name & Title)

Lee Barbee, Fire Chief

Summary/Description

The Town of Clayton will be taking delivery in April 2017 of a 2017 Pierce pumper/tanker to replace our 1994 E-One Freightliner fire engine. It is requested that the 1994 E-One Freightliner be surplused and donated to Fairmont Fire Department.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Memo from Chief Barbee
Request from Fairmont Fire Department Request
Resolution

Clayton Fire Department

Post Office Box 879
Clayton, North Carolina 27528

Memorandum

To: Adam Lindsay, Town Manager

From: Lee Barbee, Fire Chief

Date: February 24, 2017

Subject: Surplus Fire Engine

The Town of Clayton will be taking delivery in April 2017 of a 2017 Pierce pumper/tanker to replace our 1994 E-One Freightliner fire engine. I am requesting that the 1994 E-One Freightliner be surplused.

In my tenure as Fire Chief, we have had other municipalities and fire departments help us by donating or loaning apparatus and equipment when we were in need. As we have grown, the Town of Clayton has always been willing to reciprocate that generosity by helping other departments as a sign of our community's appreciation. For example, in 2006, the Town of Clayton donated a fire engine to the Blue Jay Fire Department in Bertie County in Eastern North Carolina – a rural fire department that was not as fortunate and needed financial and equipment support.

Recently, we have become aware of another small community in need. The city of Fairmont in Robeson County was hit especially hard by Hurricane Matthew. Attached is a letter from Garrett Robinson, Fire Chief of Fairmont City Fire Department, expressing interest in our 1994 E-One Freightliner to replace a 1990 KME Ford fire truck that participated in Hurricane rescues, but broke down at a recent fire and has become too expensive for this rural community to repair given the age of the truck.

Having researched the Fairmont community, including reviewing their city and fire department budgets and recent audits, I would deem them an extremely well-suited recipient of our outgoing apparatus. Attached you will find a draft resolution to surplus our 1994 E-One Freightliner so that Town Council might consider, with my strong recommendation, donating the engine to this struggling community to the east.

Fairmont City Fire Department

Post Office Box 248, Fairmont, North Carolina 28340
Phone: 910-628-9766 Ext 223

January 24, 2017

Lee Barbee
Fire Chief
Clayton Fire Department
Clayton, NC 27520

Mr. Barbee:

The Fairmont City Fire Department is made up of a very hard working and dedicated group of 25 men and women who do not take the job of protecting the people of our community lightly. We are a proud member of the North Carolina Fireman's Association.

Fairmont is located in the southern part of Robeson County and has a population of 2,659 residents. Businesses and industries of the town attract between 25,000 to 30,000 people from surrounding communities. The population of Robeson County is a uniquely tri-racial mix of the African American, Native American and Caucasian races. Originally, Fairmont was founded on the site of the Ashpole Institute, a small private academy, which was chartered in 1899 as Union City. In 1901, Ashpole Institute became Ashpole and subsequently the City of Fairmont in 1907.

In response to the most recent historical disaster and devastation caused by Hurricane Matthew, the Fairmont City Fire Department worked tirelessly, as a team, to serve the community, spending countless hours protecting and saving the lives of the residents of Fairmont. There was extensive devastation across Robeson County, but the men and women of the fire department remained focused in order to rescue residents, some of whom were stranded on roof tops that eventually were rescued by helicopters. The team also aided in rescue missions

of those stranded in the flooded waters of the Lumber River. They cut down trees that blocked roadways and those that had crushed homes, schools, and businesses so that other first responders could evacuate those injured and get everyone else to safety. The selfless actions and hard work of these men and women during this devastating time make me immensely proud.

On the morning of December 14th, 2016, the Fairmont City Fire Department responded to a residential structure fire. The 1990 F800 KME Ford pump fire truck was utilized during this event. While in use, the truck overheated and the transmission failed, leaving the truck inoperable. Naturally, after a situation such as this, the truck was serviced and was found to have particle rust feeding to the pump. Due to the age and condition of the truck, the repairs that will enable the fire department to safely utilize it will be very costly, much more than the truck is worth.

It has come to our attention that your department has a 1994 freight liner fire truck that could possibly be donated to our department. In lieu of the recent disasters, devastation, and fire truck issues that we have recently and unexpectedly encountered, we would be humbled and extremely grateful if you would consider Fairmont City Fire Department for this donation.

On behalf of myself and the Fairmont City Fire Department, I would to thank you in advance, Chief Barbee, for consideration of this request.

"I can think of no more stirring symbol of man's humanity to man than a fire engine!"
~Kurt Vonnegut

Sincerely, Garrett Robinson
Fire Chief

Resolution #2017-????

RESOLUTION DECLARING CERTAIN REAL PROPERTY SURPLUS

WHEREAS, the below described property is no longer necessary, useful or suitable for ~~municipal~~ the Town of Clayton purposes.

NOW THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to North Carolina ~~State~~ General Statutes 160A-280, including disposal, donation and or sale:

1994 E-One Freightliner Fire Engine

BE IT FURTHER RESOLVED that the Mayor, Town Manager and Finance Officer may do all acts necessary to dispose of said property according to the North Carolina Law.

Duly adopted this the ~~6th~~ 3rd day of ~~March~~ April 2017 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town Council Agenda Cover Sheet

Meeting Date

March 20, 2017

Agenda Location

New Business

Item Title

Annexation 2115 Amelia Church Road - 2017-28-ANX

Presenter (Name & Title)

Planning Department

Summary/Description

Annexation request for property located at 2115 Amelia Church Road. The property is 19.84 +/- acres and is currently vacant.

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Map
Plat
Legal Description
Public Notice

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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

Request Information

☒ **Contiguous Annexation** ☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	☒	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☐	☒
3. Legal Description (metes and bounds)	☒	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF PROPERTY IS OWNED BY INDIVIDUAL (S)

Submittal Date: 2/1/2017 **Petition No.: 2017-28**

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

   *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is __X__contiguous, ____ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed:	19.84 Acres
Existing housing units:	NA
Population of acreage to be annexed:	NA
Existing Zoning District*:	R-E (Residential Estate)
Proposed Town Zoning District*:	O-I (Office Institutional)
Reason for petitioner to annex:	X Receive Town Services
	____ Other (please specify): ____

5. **I/We** acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

David DeYoung
Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Laura Gray, a Notary Public for the above State and County, this 9 day of, March, 20 17.

SEAL

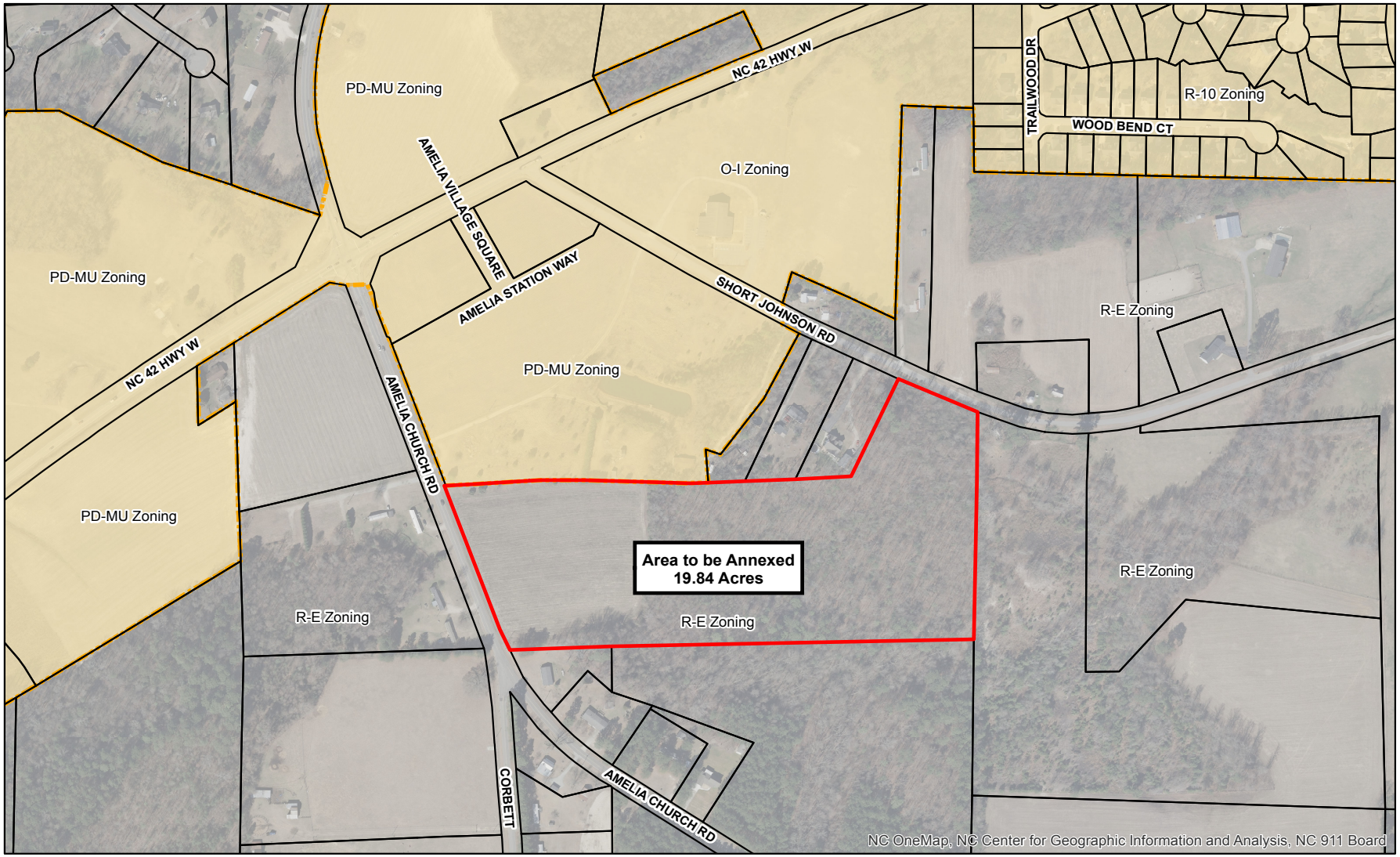
LAURA GRAY NOTARY My Comm. Expires 3-7-21 PUBLIC WAKE CO., NC

Notary Public

My Commission Expires: 3/7/2021

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation #_____ I, David DeYoung, AICP, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ David DeYoung AICP
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



Legend

- Clayton Town Limits
- Clayton ETJ
- Parcels
- Area to be Annexed

Produced by: TOC Planning
Feburary 6, 2017

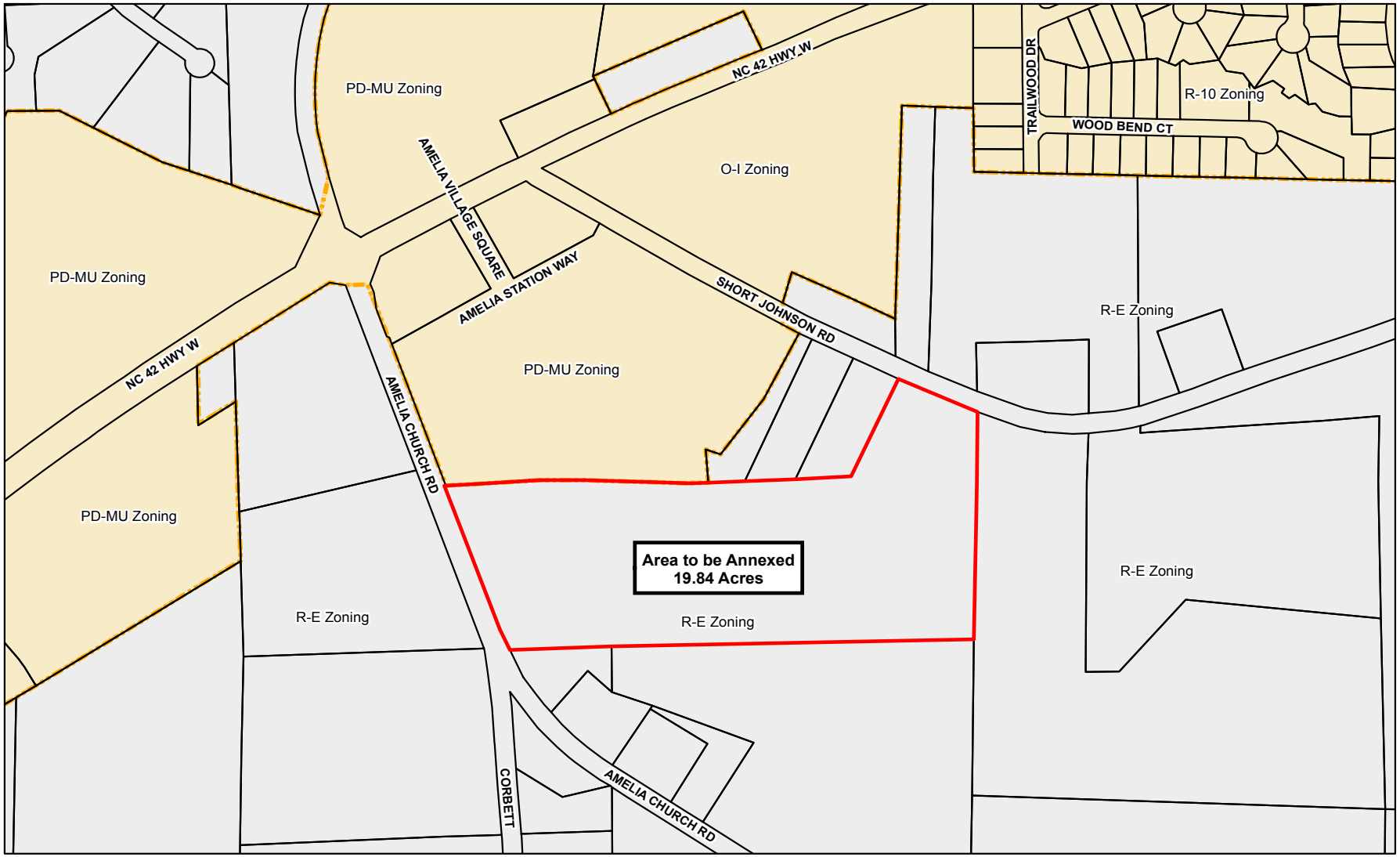
Annexation Map

Applicant(s): Town of Clayton
Property Owner(s): Town of Clayton
Parcel Number(s) 05G03008B
File Number(s): 2017-28-ANX

N W E S

1 inch = 400 feet

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



Legend

- Clayton Town Limits
- Clayton ETJ
- Parcels
- Area to be Annexed

Produced by: TOC Planning
Feburary 6, 2017

Annexation Map

Applicant(s): Town of Clayton
Property Owner(s): Town of Clayton
Parcel Number(s) 05G03008B
File Number(s): 2017-28-ANX

N W E S

1 inch = 400 feet

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

Filed in JOHNSTON COUNTY, NC CRAIG OLIVE, Register of Deeds Filed 01/27/2017 03:31:02 PM
DEED BOOK: 4902 PAGE: 388-390 INSTRUMENT # 2017517975
Real Estate Excise Tax: $1,900.00 Deputy/Assistant Register of Deeds: LaWanda Neal

19.84 acres, Clayton Township
Prepared by: McCullers, Whitaker & Hamer, PLLC, 104 N. Fayetteville St. Clayton, NC 27520
Mail To: GRANTEE
Excise Tax: $1,900
Parcel ID: 05G03008B
The property conveyed herein IS NOT the Grantor's primary residence

NORTH CAROLINA GENERAL WARRANTY DEED

State of NORTH CAROLINA
County of JOHNSTON

This GENERAL WARRANTY DEED, made this, the 27 day of January, 2017, by and between **LEE BROTHERS RENTAL, a North Carolina general partnership**, whose address is 400 West Main Street, Clayton, NC 27520 (hereinafter referred to as "GRANTORS"), and **THE TOWN OF CLAYTON, NORTH CAROLINA**, a North Carolina municipality, whose address is P.O. Box 879, Clayton, NC 27528 (hereinafter referred to as "GRANTEES"):

WITNESSETH

That the Grantors, for valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantees in fee simple, all that certain lot or parcel of land more particularly described as follows:

SEE ATTACHED EXHIBIT "A" WHICH IS ATTACHED AND INCORPORATED BY REFERENCE AS IF FULLY SET FORTH HEREIN.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantees and their heirs and assigns, free and discharged of all right, title, claim or interest of the Grantors or anyone claiming by, through or under them.

Submitted electronically by "McCullers, Whitaker & Hamer, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Johnston County Register of Deeds.

AND THE GRANTORS covenant with the Grantees, that Grantors are seized of the premises in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantors will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

(1) Subject to 2017 ad valorem taxes; and
(2) Subject to any easements, restrictions, covenants and rights-of-way of record.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or if corporate, has caused this instrument to be executed by duly authorized officers and its seal affixed by authority of its Board of Directors, the day and year set forth above.

LEE BROTHERS RENTAL,
a North Carolina general partnership

BY:

Percy Y. Lee

Percy Y. Lee, General Partner

STATE OF NORTH CAROLINA

COUNTY OF Johnston

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Lee Brothers Rental, by Percy Y. Lee, General Partner.

This the 27 day of January, 2017.

Notary Public

Cameron D Sullivan

Notary Printed Name

My Commission Expires: 8/16/2020

CAMERON D SULLIVAN
Notary Public
Johnston County
NORTH CAROLINA

Exhibit "A"

BEGINNING at an iron stake set in the right-of-way line of N.C.S.R. 1552, Amelia Church Road, said iron stake being located North 22 degrees 22 minutes 01 second West 1378 feet, North 19 degrees 30 minutes 08 seconds West 7.98 feet and South 86 degrees 32 minutes 31 seconds East 32.14 feet from an iron stake marking the intersection of the rights-of-way of N.C.S.R. 1552, Amelia Church Road, and N.C.S.R. 1554, Corbett Road, said beginning point being also a corner with the lands now or formerly owned by Erwin D. Hockaday described in the deed of record in Book 776, Page 497, and from said beginning point the line runs thence with the right-of-way line of Amelia Church Road North 17 degrees 35 minutes 00 seconds West 111.81 feet to an iron stake and North 14 degrees 56 minutes 55 seconds West 427.79 feet to an iron stake, corner with the lands now or formerly owned by Wallace D. Aiken described in the deed of record in Book 1257, Page 278; thence with the Aiken line and the lines of others South 86 degrees 28 minutes 28 seconds East 1227.76 feet to an iron stake; the southeast corner of the lands now or formerly owned by Ricky E. Blackmon described in the deed of record in Book 1607, Page 347 and shown on the plat of record in Plat Book 39, Page 327; thence with the Blackmon line North 30 degrees 12 minutes 42 seconds East 337.39 feet to an iron stake set in the right-of-way line of Short Johnson Road; thence with the right-of-way line of the road South 59 degrees 18 minutes 44 seconds East 289.42 feet to an iron stake, corner with the lands of S. Clarence Parrish described in the deed of record in Book 645, Page 184, and in the plat of record in Plat Book 9, Page 97; thence with the Parrish line South 05 degrees 44 minutes 16 seconds West 678.20 feet to an iron axle; corner in the Parrish line of the lands now or formerly owned by W.P. Daughtry described in the deed of record in Book 600, Page 319; thence with the Daughtry line and with the line now or formerly owned by Erwin D. Hockaday North 86 degrees 32 minutes 31 seconds West 1434.79 feet to the point and place of beginning, containing 19.84 acres, more or less, according to a plat and survey by L. Dennis Lee, P.A., dated April 25, 2000, and styled "Estate Map 2 of 2 for Melvin J. Aiken", to which reference is hereby made for a more accurate description.

For chain of title see Book 791, Page 283; and Book 1954, Page 4, Johnston County Registry.

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:30 PM on Monday, April 3, 2017, at Town Hall, 111 E Second Street, on the question of annexing the following described contiguous property owned by the Town of Clayton:

BEING Parcel 05G03008B lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

The legal description of the property, as found in deed book 4902, pages 388-390, located at the Johnston County Register of Deeds, and is as follows:

BEGINNING at an iron stake set in the right-of-way line of N.C.S.R. 1552, Amelia Church Road, said iron stake being located North 22 degrees 22 minutes 01 second West 1378 feet, North 19 degrees 30 minutes 08 seconds West 7.98 feet and South 86 degrees 32 minutes 31 seconds East 32.14 feet from an iron stake marking the intersection of the rights-of-way of N.C.S.R. 1552, Amelia Church Road, and N.C.S.R. 1554, Corbett Road, said beginning point being also a corner with the lands now or formerly owned by Erwin D. Hockaday described in the deed of record in Book 776, Page 497, and from said beginning point the line runs thence with the right-of-way line of Amelia Church Road North 17 degrees 35 minutes 00 seconds West 111.81 feet to an iron stake and North 14 degrees 56 minutes 55 seconds West 427.79 feet to an iron stake, corner with the lands now or formerly owned by Wallace D. Aiken described in the deed of record in Book 1257, Page 278; thence with the Aiken line and the lines of others South 86 degrees 28 minutes 28 seconds East 1227.76 feet to an iron stake; the southeast corner of the lands now or formerly owned by Ricky E. Blackmon described in the deed of record in Book 1607, Page 347 and shown on the plat of record in Plat Book 39, Page 327; thence with the Blackmon line North 30 degrees 12 minutes 42 seconds East 337.39 feet to an iron stake set in the right-of-way line of Short Johnson Road; thence with the right-of-way line of the road South 59 degrees 18 minutes 44 seconds East 289.42 feet to an iron stake, corner with the lands of S. Clarence Parrish describe in the deed of record Book 645, Page 184, and in the plat of record in Plat Book 9, Page 97; thence with the Parrish line South 05 degrees 44 minutes 16 seconds West 678.20 feet to an iron axle; corner in the Parrish line of the lands now or formerly owned by W.P. Daughtry described in the deed of record in Book 600, Page 319; thence with the Daughtry line and with the line now or formerly owned by Erwin D. Hockaday North 86 degrees 32 minutes 31 seconds West 1434.79 feet to the point and place of beginning, containing 19.84 acres, more or less, according to a plat and survey by L. Dennis Lee, P.A., dated April 25, 2000, and styled "Estate Map 2 of 2 for Melvin J. Aiken", to which reference is hereby made for a more accurate description.
For chain of title, see Book 791, Page 283; and Book 1954, Page 4, Johnston County Registry.

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

Kimberly A. Moffett, CMC
Town Clerk
919-553-5002 ext. 5004

_____
Clayton News-Star

Please advertise on the following date:

March 22, 2017

Affidavit of publication required.

Resolution #2017-06

ANNEXATION PETITION 2017-28-ANX
Town Property at 2115 Amelia Church Road
Parcels: 05G03008B
Owners: Town of Clayton
Contiguous; 19.84 +/- acres

TOWN OF CLAYTON
RESOLUTION STATING THE INTENT OF THE TOWN OF CLAYTON TO ANNEX PROPERTY OWNED BY THE TOWN OF CLAYTON WHICH IS CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES

BE IT RESOLVED by the Clayton Town Council of the Town of Clayton that:

Section 1. It is the intent of the Clayton Town Council, pursuant to G.S. 160A-31, to annex the property described in Section 2, which is owned by the Town of Clayton.

Section 2. Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

The legal description of the property, as found in deed book 4902, pages 388-390, located at the Johnston County Register of Deeds, and is as follows:

> BEGINNING at an iron stake set in the right-of-way line of N.C.S.R. 1552, Amelia Church Road, said iron stake being located North 22 degrees 22 minutes 01 second West 1378 feet, North 19 degrees 30 minutes 08 seconds West 7.98 feet and South 86 degrees 32 minutes 31 seconds East 32.14 feet from an iron stake marking the intersection of the rights-of-way of N.C.S.R. 1552, Amelia Church Road, and N.C.S.R. 1554, Corbett Road, said beginning point being also a corner with the lands now or formerly owned by Erwin D. Hockaday described in the deed of record in Book 776, Page 497, and from said beginning point the line runs thence with the right-of-way line of Amelia Church Road North 17 degrees 35 minutes 00 seconds West 111.81 feet to an iron stake and North 14 degrees 56 minutes 55 seconds West 427.79 feet to an iron stake, corner with the lands now or formerly owned by Wallace D. Aiken described in the deed of record in Book 1257, Page 278; thence with the Aiken line and the lines of others South 86 degrees 28 minutes 28 seconds East 1227.76 feet to an iron stake; the southeast corner of the lands now or formerly owned by Ricky E. Blackmon described in the deed of record in Book 1607, Page 347 and shown on the plat of record in Plat Book 39, Page 327; thence with the

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For chain of title, see Book 791, Page 283; and Book 1954, Page 4, Johnston County Registry.

Section 3. The property described in Section 2 is contiguous to the current municipal boundaries.

Section 4. A public hearing on the question of annexation of the contiguous area described herein will be held at Town Hall at 6:30 PM on Monday, April 3, 2017.

Section 5. Notice of the public hearing shall be published once in the Clayton News-Star, a newspaper having general circulation in the Town of Clayton, at least 10 days prior to the date of the public hearing.

Duly adopted this 20th day of March 2017 while in regular session.

_____
Bob Satterfield
Council Member

ATTEST:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town Council Agenda Cover Sheet

Meeting Date

March 20, 2017

Agenda Location

New Business

Item Title

Rezoning - 2115 Amelia Church Road - 2017-15-RZ

Presenter (Name & Title)

Planing Department

Summary/Description

Request to rezone property located at 2115 Amelia Church Road from R-E (Residential Estate) to O-I (Office Institutional). The property is 19.98 +/- acres.

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff Report
Staff Map
Neighborhood Meeting Information
Public Notice

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

REZONING APPLICATION

Pursuant to Article 7, Section 155.704 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to amend the Official Zoning Map.

Application Fees: **Standard Rezoning Fee: $500.00**
Rezoning to Planned Development District Fee: $1,000.00 + $5.00 acre
Advertisement Fee: $100.00
All fees are due when the application is submitted.

Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.

SITE INFORMATION

Name of Project: Town Property (off Amelia Church Rd. & Short Johnson Rd.) **Acreage of Property:** 19.84 acres

County Tag Number: 05G03008B **NC PIN:** 165803-04-8891

Address/Location: 2115 Amelia Church Rd.

Existing Zoning District: R-E Residential Estate

Proposed Zoning District: O-I Office Institutional

APPLICANT INFORMATION

Applicant: Town of Clayton

Mailing Address: P. O. Box 879 Clayton, NC 27528

Phone Number: 919 553-5002 **Fax:** 919 553-1720

Contact Person: David DeYoung

Email Address: ddeyoung@townofclaytonnc.org

FOR OFFICE USE ONLY

Date Received: 2/6/2017 Amount Paid: — File Number: 2017-15-RZ

PROPERTY OWNER INFORMATION

Name: Town of Clayton

Mailing Address: P. O. Box 879 Clayton, NC 27528

Phone Number: 919 553-5002 **Fax:** 919 553-1720

Email Address: ddeyoung@townofclaytonnc.org

EXPLANATION OF PROJECT

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

To rezone Town owned property to the zoning classification O-I (Office Institutional) which should provide a good transition between Residential and Planned Development Mixed Use zoning districts.

REQUIRED INFORMATION (*to be submitted with the application*)

The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	☒			
2. Review Fee ($500 for standard rezoning OR $1,000 + $5.00/acre for Planned Developments) and Advertisement Fee ($100)	☐	N/A			
3. Completed application	☒				
4. Owner's Consent Form *Required if applicant is not property owner.*	☐	☒			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☐	N/A			
6. *If property to be rezoned is a portion of a parcel:* - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	☐ ☐	☒ ☒			
7. Adjacent property owners list	☒	☐			
8. Neighborhood meeting notice letter (1 copy) *See sample letter and meeting requirements included in this packet*	☒				
9. Neighborhood meeting summary form (1 copy) *Included in this packet*	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) *This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.*	☒				

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

   The rezoning is consistent with the adopted plans.

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

   O-I zoning is suitable for this property as it offers greater flexibility for offices, institutions and associated administrative, executive, professional and research uses.

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

   The proposed rezoning improves the balance of uses and meets specific demand in the Town.

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

   Request for annexation of the property will run concurrently with the rezoning request. Yes adequate public facilities and services will be available for the property.

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

   This is correct; they are not violated.

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

   There will be no adverse effect.

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

   This is correct; there will be no detriment to the general public.

APPLICANT AFFIDAVIT

APPLICANT AFFIDAVIT

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

David DeYoung		2/8/2017
Print Name	***Signature of Applicant***	***Date***

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

Planning Board
February 27, 2017

STAFF REPORT

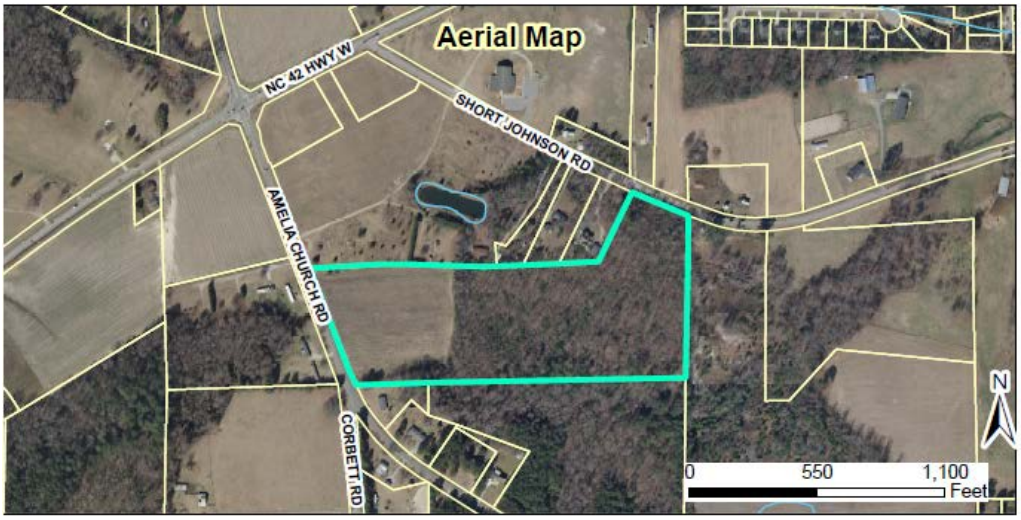
Application Number: 2017-15-RZ
Project Name: Town Property at 2115 Amelia Church Rd.

NC PIN / Tag #:	165803-04-8891 / 05G03008B
Town Limits/ETJ:	ETJ Annexation is Requested
Overlay:	None
Applicant:	Town of Clayton
Owner:	Town of Clayton
Location:	The property is located at 2115 Amelia Church Rd.

Public Noticing:

- Neighborhood meeting February 16, 2017
- Sign posted February 17, 2017
- Letters mailed prior to March 24, 2017
- Newspaper ad posted prior to April 3, 2017

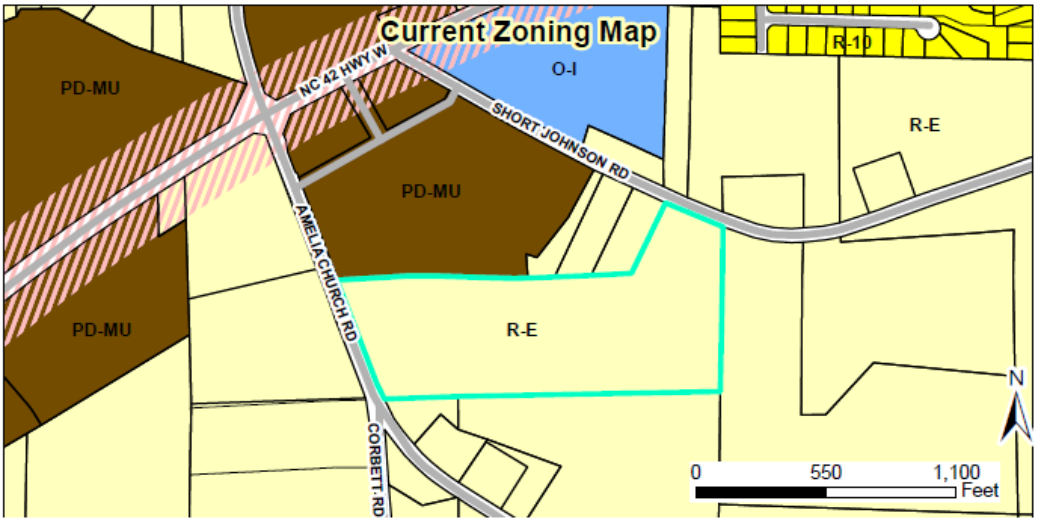
REQUEST: Rezoning from Residential-Estate (R-E) to Office-Institutional (O-I).



SITE DATA:
Acreage: 19.98 acres
Existing Use: Vacant

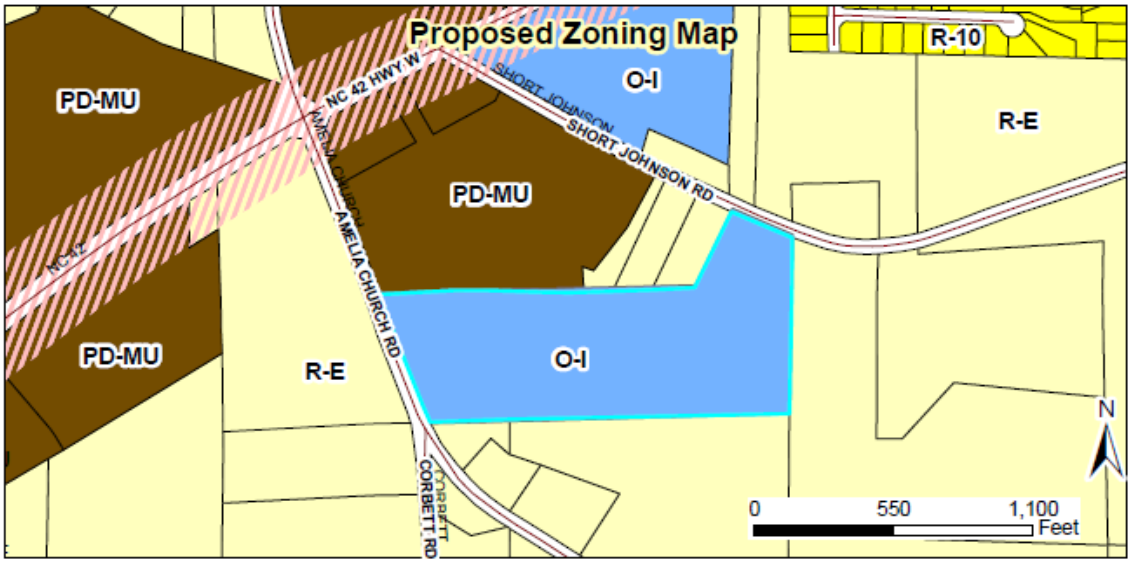
ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Planned Development Mixed Use(PD-MU), Residential Estate (R-E)	Residential (Single Family & Multi-Family), Commercial
South	Residential Estate (R-E)	Residential, Vacant
East	Residential Estate (R-E)	Vacant
West	Residential Estates (R-E)	Single Family Residential



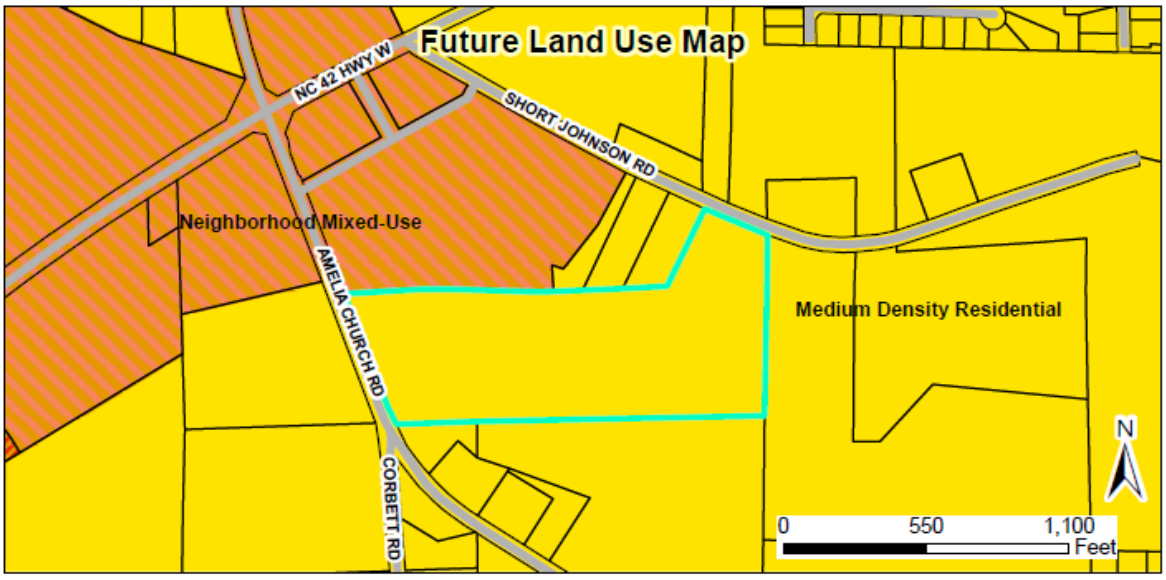
STAFF ANALYSIS AND COMMENTARY:

Overview
The applicant (Town of Clayton) is requesting to rezone a Town-owned property from R-E (Residential Estate) to O-I (Office Institutional). The property was recently purchase by the Town and is vacant. The Town is requesting to annex the property. The Annexation request will run concurrently with the rezoning request. Rezoning the property to O-I (Office- Institutional) should provide a transition between the Planned Development-Mixed Use zoning and the Residential zoning.



Compatibility with Surrounding Land Uses
The rezoning request is compatible with surrounding land uses, as it offers greater flexibility for offices, institutions and associated administrative, executive, and professional uses.

Consistency with the Comprehensive Plan 2040
The proposed rezoning is consistent with the Comprehensive Plan 2040 as the property is adjacent to Neighborhood Mixed-Use.



CONSIDERATIONS:

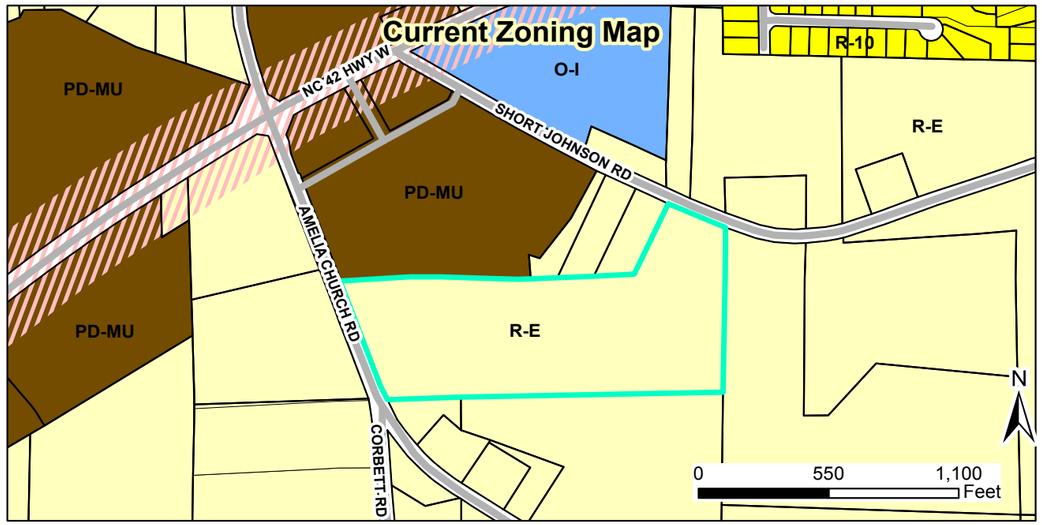
- Rezonings are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.

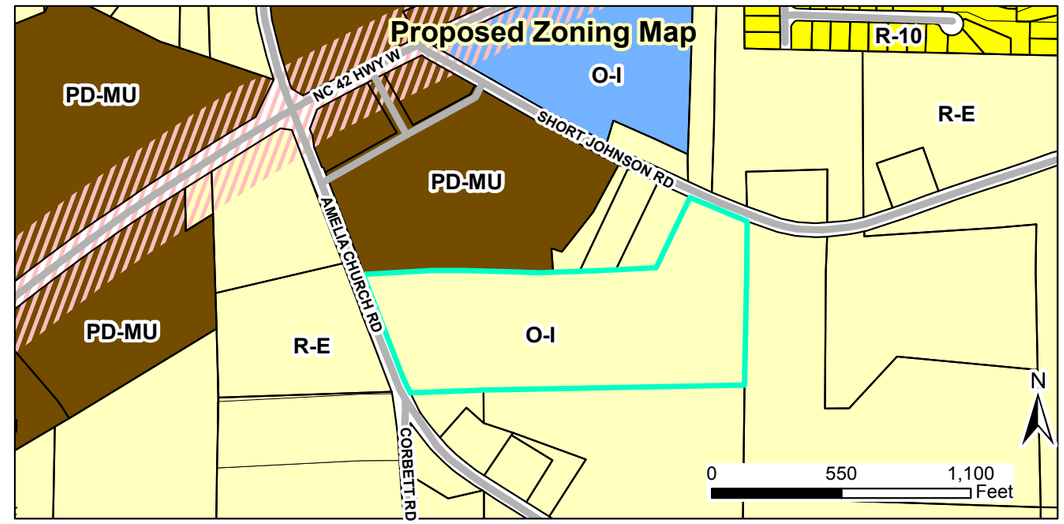
STAFF RECOMMENDATION:

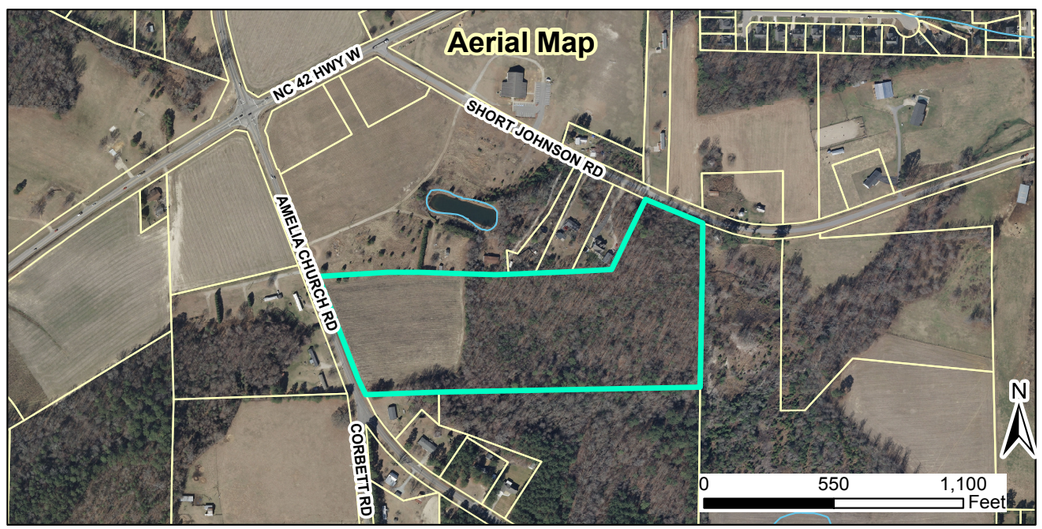
Staff is recommending approval of the rezoning of the subject parcel.

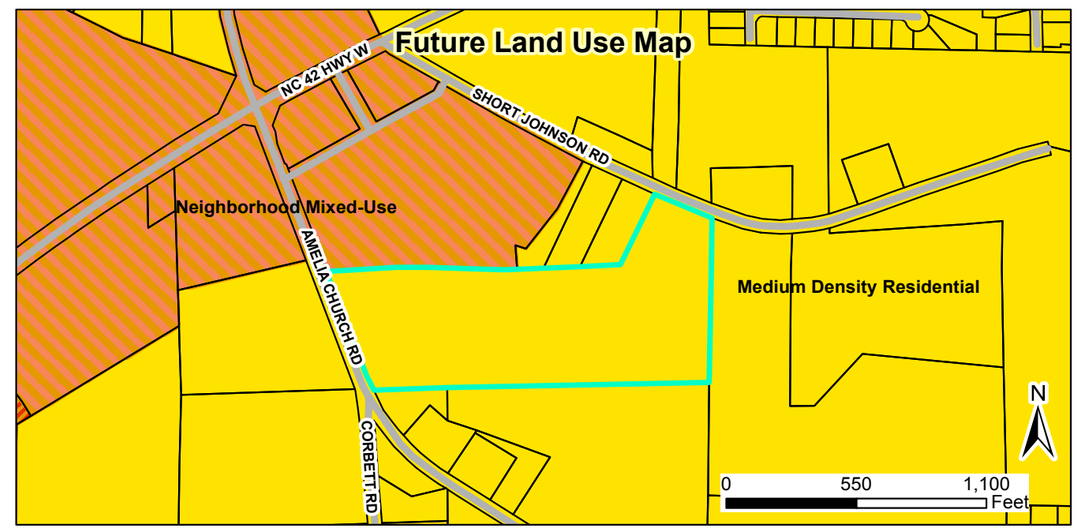
ATTACHMENTS:

1) Staff Report Maps
2) Application
3) Neighborhood Meeting Materials







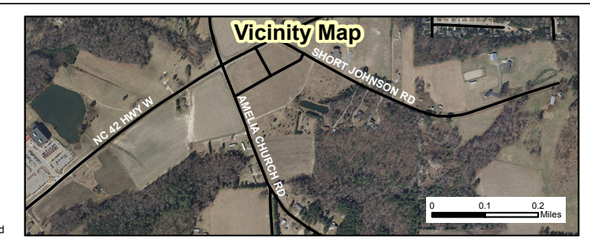


2017-15-RZ Town Property Amelia Church Rd. Rezoning
Request: To rezone subject parcel from R-E to O-I

Applicant: Town of Clayton
Property Owners: Town of Clayton
Parcel ID: 165803-04-8891
Tag #: 05G03008B

N

Parcels
Special Use District
Thorough Fare Overlay
Scenic Highway Overlay
Roads
Railroads



Document Path: O:\PLANNING\REZONING\Rezoning\2017\2017-15-RZ Town Property at Amelia Church Rd\Maps\StaffReportMap- Town Property 2115 Amelia Church Rd.mxd

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Adam Lindsay
TOWN MANAGER

The Premier Community *For Active Families*

Bob Satterfield
Art Holder
Jason Thompson
R.S. "Butch" Lawter, Jr.
COUNCIL MEMBERS

Michael Grannis
MAYOR PRO TEM

February 3, 2017

Dear Clayton Area Property Owner:

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

Meeting Date: February 16, 2017

Location: Room GS 223, Clayton Town Hall 111 E. Second Street, Clayton, NC 27520

Time: 6:00pm

Type of Application: Rezoning

General Description: Rezoning the subject property (Parcel ID: 05G03008B) from Residential Estate (R-E) to Office Institutional (O-I). The property is located between Amelia Church Rd. and Short Johnson Rd. Please see attached map.

If you have any questions prior to or after this meeting, you may contact me at 919-553-5002.

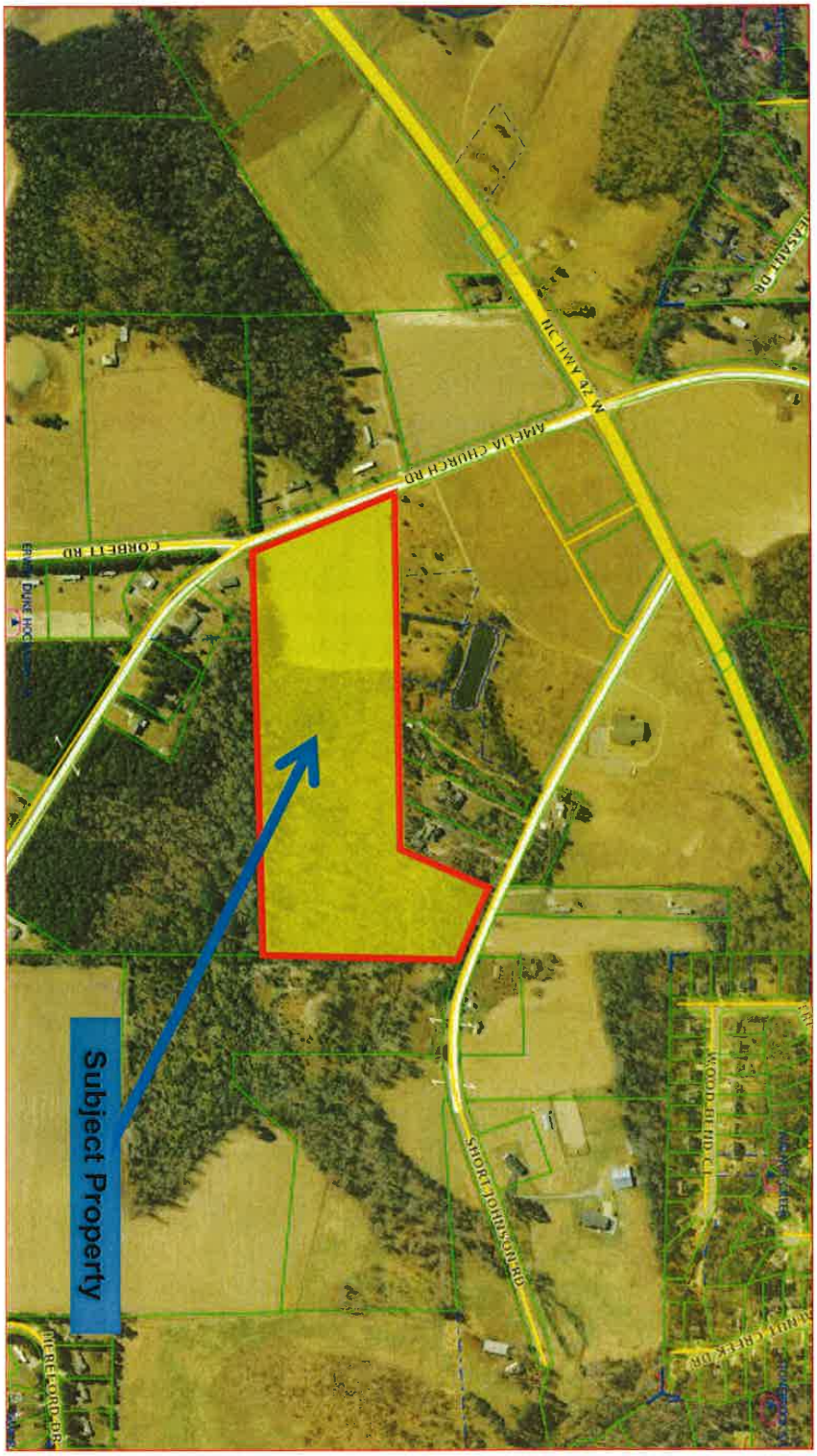
Sincerely,

Beth Franson

Beth Franson, GISP
Planning Specialist
Town of Clayton

P.O. Box 879 • Clayton, North Carolina 27528 • Office (919)553-5002 • Fax (919)553-8919

www.townofclaytonnc.org


Subject Property
AMELIA CHURCH RD
CORBETT RD
US HWY 52 W
SHORT JOHNSON RD
WOODFIELD CT
MERLEFORD DR
BRIAR CREEK DR
LASSAH DR

ADJACENT PROPERTY OWNERS LIST

Project Name: Town of Clayton property at 2115 Amelia Church Rd.

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
05G03007E	AMELIA STATION LLC	3520 PIEDMONT RD NE SUITE 410 ATLANTA, GA 30305
05E99008K	DWB PROPERTIES LLC	PO BOX 324 GARNER, NC 27529-0324
05G03007D	SIEBERT, HARRY P SIEBERT, KATHY R	200 SHORT JOHNSON RD CLAYTON, NC 27520
05G03007C	COLLAZO, RICHARD COLLAZO, MARIA TERESA	4690 BARBER MILL RD CLAYTON, NC 27520
05G03007B	BLACKMON, RICKY E BLACKMON, PAMELA JEAN	220 SHORT JOHNSON RD CLAYTON, NC 27520
05G03009	JOHNSON, KIRBY ROY JOHNSON, LORI H	12232 US 70 BUS HWY W CLAYTON, NC 27520
05G03010	BOYETTE, FAYE ROBINSON, ANN PULLEY	6225 COVERED BRIDGE RD CLAYTON, NC 27527
05G03009B	PARRISH, FRANCES B	377 SHORT JOHNSON RD CLAYTON, NC 27520
05G03069	HENDERSON, KIMBERLY DAUGHTRY NANCE, CONNIE DAUGHTRY	PO BOX 1423 SWANSBORO, NC 28584
05G03070E	HOCKADAY, ERWIN DUKE JR HOCKADAY, FLORENCE DUPREE	2177 AMELIA CHURCH ROAD CLAYTON, NC 27520
05G03070S	JANIFFA H ALLEN REVOCABLE TRUST ALLEN, JANIFFA H TRUSTEE	217 CORBETT RD CLAYTON, NC 27520
05G03008Z	JOHNSON, KATIE MARIE	151 SHORT JOHNSON RD CLAYTON, NC 27520
05E99008Q	WILLIAMS, JOEL L	1306 WALNUT STREET CARY, NC 27511
05G03069A	HOCKADAY, ERWIN DUKE JR HOCKADAY, FLORENCE DUPREE	2177 AMELIA CHURCH ROAD CLAYTON, NC 27520

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: RZ 2017-15 · Town Property @ 2115 Amelia Church Rd.

Date of Mailing: 2-3-2017

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting:

Printed Name: Beth Franson Signature: Beth Franson

Date of Meeting: 2-16-2017 Time of Meeting: 6pm - 8pm

Location of Meeting: 111 E Second St. Clayton Town Hall Rm. GS 223

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

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Town Property @ Amelia Church Rd.

Application: 2017-15-RZ

Location/Date: Clayton Town Hall - 111 E. Second St. Room 6S223
2-16-2017 6:00pm - 8:00pm

	NAME	ADDRESS
1	Beth Franson	TOC Planning Staff
2	Jerry & Jan Allen	Corbett Rd.
3	Ricky & Pam Blackmon	220 Short Johnson Rd
4	[illegible] Amelia Rd	[illegible]
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The neighborhood meeting began promptly at 6:00 pm. Jerry & Jan Allen at 217 Corbett Road were the first to arrive. They asked how the Town would develop the property. I replied at this time the Town had no plans to develop the property. They expressed that if the property were to be developed as a park that would be nice. They did have some concern that if the Town property was annexed that their property would also be annexed or that if the ETJ was expanded their property would be annexed. I assured Mr. & Mrs. Allen that it is not the intent of the Town to annex their property.

Mr. Ricky Blackmon at 220 Short Johnson Road asked how the property would be developed. As stated previously I replied the Town at this time had no plans to develop the property. Mr. Blackmon's property joins the Town property, he questioned that when the property is developed if there would be a buffer between his property and the Town property. I stated there would be a buffer between properties zoned O-I Office & Institutional and R-E Residential Estates.

Mr. Duke Hockday at 2117 Amelia Church Road also inquired as to what plans the Town had for the property. I replied that the Town had no plans to develop the property at this time. He stated that the property would be a good location for a new fire station.

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday, April 3, 2017, at 6:30 PM at Town Hall, 111 East Second Street, to consider rezoning request 2017-15-RZ- Town Property (2115 Amelia Church Road) Rezoning. Parcel number 165803-04-8891. The requested change is from Residential-Estate (R-E) to Office-Institutional (O-I).

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

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

Haley Hogg, Planner
919-553-5002

_____

The Clayton News Star

Please advertise on the following dates:
Wednesday, March 22, 2017
Wednesday, March 29, 2017

Affidavit of publication required.

Town Council Agenda Cover Sheet

Meeting Date

March 20, 2017

Agenda Location

New Business

Item Title

Text Amendment - Chapter 200 Amendment Use Tables & Zoning Districts - 2017-21-OA

Presenter (Name & Title)

Jay McLeod, Senior Planner

Summary/Description

Request to make amendments to the text of the Unified Development Code, Title XV, NCGS 155, relating to use regulations, use interpretations and associated definitions.

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff Report
Chapter 200 Draft Updates
Public Notice

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

ORDINANCE AMENDMENT APPLICATION

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

Application Fee: TBD
Advertisement Fee: $100.00
All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Chapter 200 Amendment – Use Table and Zoning Districts

Existing title of Code Section(s): Zoning Districts (200), Land Use Regulations & Table (202), Specific Use Standards (300s), and Defined Terms (802)

Code Section Number(s): Title XV, Chapter 155, Articles 200, 202, 300-308, 311, 802

APPLICANT/CONTACT INFORMATION

Applicant: Town of Clayton, Planning Dept.

Mailing Address: P.O. Box 879, Clayton, NC 27528

Phone Number: 919-553-5002 **Fax:** _____

Contact Person: Jay McLeod (Senior Planner) or Haley Hogg (Planner)

Email Address: jwmcleod@townofclaytonnc.org or hhogg@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

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

Update the table regulating uses in each zoning district, clarify definitions of uses, accessory uses, minor modification of definitions section.

FOR OFFICE USE ONLY

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

REQUIRED INFORMATION (*to be submitted with the application*)

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

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

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

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

   The proposed changes are minor modifications and clarifications to the use table and associated use standards.

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

   The changes are primarily for clarification and refinement.

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

   The changes are primarily for clarification and refinement.

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

   The changes comply with known statutes and case law.

APPLICANT AFFIDAVIT

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

____Jay McLeod___	_____	___02/14/2017___
Print Name	***Signature of Applicant***	***Date***

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

Town Council
March 20, 2017

STAFF REPORT

Application Number: 2017-21-OA
Project Name: Use Regulations Update – 155.200 & .300 (Ordinance Amendment)

Applicant: Town
Public Noticing:
- Newspaper ad to be published March 22nd & March 29th

REQUEST: Request to make amendments to the text of the Unified Development Code, Title XV, §155, relating to use regulations, use interpretations, and associated definitions and regulations.

SECTIONS PROPOSED FOR AMENDMENT:

The following sections of Title XV, Chapter 155 are proposed for amendment:

- 103- Effective Date
- 104- Jurisdiction
- 106- Application of Regulations
- 108- Compliance with Plans
- 109- Transitional Provisions
- 200- Districts Established
- 202- Use Regulations
- 300-Use Interpretation
- 301- Residential Use Standards
- 303- Recreational Use Standards
- 305- Commercial Use Standards
- 306- Industrial Use Standards
- 308- Accessory Structures and Uses
- 311- Outdoor Dining, Display, and Storage
- 802- Defined Terms

STAFF ANALYSIS AND COMMENTARY:

Overview
The proposed amendment seeks to update use regulations and interpretations as appropriate based on staff's experiences and concerns. The proposed amendment focuses primarily on the Use Table in Section 155.202 and the Specific Use Standards (aka - use definitions) in Sections 155.300 through 155.306. The proposed amendments in these chapters seek to provide positive changes regarding land use regulation within the Town of Clayton, and provide further clarity in regards to language, intent, and definitions of specific uses and their appropriate locations.

Additional minor changes are proposed to other chapters of the Unified Development Code as well, in order to correct typos, text, or references, relocate text to more appropriate sections, and provide clarification on language, intent, and definitions as necessary.

Approval Criteria:

- **Consistency with remainder of the Chapter**
  The request is consistent with the remainder of Chapter 155.

- **Novelty of the request**
  The request does not introduce overly novel changes to the Code.

- **Correction of existing errors**
  The request incorporates correction, clarification, or refinement of existing Code language.

- **Compliance with state or federal statutes or case law**
  The request is consistent with all known state, federal, and case laws.

CONSIDERATIONS

- The Planning Board shall make a recommendation to Town Council. The Town Council shall make a final decision regarding revisions to the Town Code.

STAFF RECOMMENDATION:

Staff is recommending *approval*.

CONDITIONS:

Staff has no recommendation of Conditions.

ATTACHMENTS:

1) Application
2) Draft Ordinance Amendment, in strikethrough/underline.

ARTICLE 1: GENERAL PROVISIONS

§ 155.103 EFFECTIVE DATE

This Chapter was adopted on November 21, 2005, becoming effective January 1, 2006. From time to time this chapter or sections herein may be amended by the Town Council.

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

§ 155.104 JURISDICTION

(A) **Zoning Districts**

The boundaries of the zoning districts, including but not limited to General Use Districts, Special Use Districts, and Overlay Districts, are shown upon the map accompanying this Chapter, and made a part hereof, entitled "Town of Clayton Official Zoning Map" (also known as "zoning map"), as amended from time to time. ~~"Town of Clayton, North Carolina Official Zoning Map" and dated January 1, 2006.~~ The zoning map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this Chapter the same as if such information set forth on the map were all fully described and set out herein. The most current and updated version of the Official Zoning Map ~~zoning map~~ properly attested is maintained by the Planning Department, and is on file in the Planning Department and the ~~office~~Office of the Town Clerk, and is available for inspection by the public. When duly adopted by the Town Council, these regulations shall also govern each and every subdivision of land within the corporate limits of the Town, as now or hereafter established, and within the extraterritorial jurisdiction adopted by the Town.

(B) **Future Land Use Districts**

Certain Future Land Use Designations are established and incorporated by reference on the "Town of Clayton Future Land Use Map" (as part of the adopted "Comprehensive Plan 2040" and also known as "future land use map") and presented with the Official Zoning Map as appropriate, which is hereby made a portion of this ordinance. The Future Land Use Map shall guide and govern changes to the Official Zoning Map and the districts therein. The most current and updated version of the Future Land Use Map properly attested is maintained by the Planning Department, and is on file in the Planning Department and the Office of the Town Clerk, and is available for inspection by the public.

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

§ 155.106 APPLICATION OF REGULATIONS

The regulations set forth in this Chapter shall affect all land, every structure, and every use of land or structure, and shall apply as follows:

(A) **COMPLIANCE REQUIRED**

No structure or land shall hereafter be used ~~or~~, occupied, or modified, and no structure or part thereof shall be erected, moved onto, or structurally altered, except in compliance with the regulations of this Chapter, for the district in which it is located.

(B) **ZONING PERMIT REQUIRED**

No building, sign, ~~or~~ structure, or land-disturbing activities, or any part thereof shall be erected, structurally altered, ~~or~~ moved, or changed in use until a zoning permit has been issued by the Planning Director, as set forth in § 155.709 "Zoning Permit".

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

§ 155.108 COMPLIANCE WITH PLANS

(A) **APPROVED PLANS**

Permits or certificates issued on the basis of plans and applications shall authorize only the use, arrangement, and construction as set forth in such approved plans and applications and no other use, arrangement, or construction.

(B) **ADOPTED PLANS AND POLICIES**

All proposed subdivisions, structures, developments, and associated infrastructure shall be placed and designed in a manner consistent with the adopted plans and policies of the Town.

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

§ 155.109 TRANSITIONAL PROVISIONS

(A) **CONFORMING USES AND STRUCTURES**

(1) Any use or structure existing prior to the effective of this Chapter that conforms to the regulations of this Chapter for permitted uses, and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located, may be continued, provided any use, structural, or other changes shall comply with the provisions of this Chapter.

(2) Any use or structure existing prior to the effective of this Chapter that would be permitted by this Chapter as a special or conditional use in the district in which it is located, may be continued as if a special or conditional use permit had been issued, provided that any use, structural, or other changes shall comply with the provisions of this Chapter.

(B) **EFFECT OF AMENDMENT**

If subsequent amendments to this Chapter or the zoning map result in the creation of additional nonconformities or conformities, such nonconformities or conformities shall be governed by the provisions of this Chapter, unless otherwise stated in the amendment.

(C) **APPLICATIONS AND PRIOR APPROVALS**

(1) **Projects Under Construction Prior to Effective Date**

(a) Any building or development for which a permit was issued before the effective date of this Chapter may be completed in conformance with the issued permit and other applicable permits and conditions, even if such building or development does not fully comply with provisions of this Chapter.

(b) Nothing in this Chapter shall require a change to a phasing plan approved prior to the adoption of this Chapter, provided construction is consistent with the terms and conditions of the phasing plan and proceeds to completion in a timely manner. The applicant shall ensure that a period of no more than two years without an active building permit occurs in order to continue a project under a previous phasing plan.

(c) If construction is not completed according to the applicable permit terms, the Town Council may, for good cause shown, grant an extension of up to one year for such construction. If the building is not completed within the time allowed under the original permit or any extension granted, then the building may be constructed, completed or occupied only in compliance with this Chapter.

(2) **Applications Submitted Prior to Effective Date**

(a) Any complete application submitted before the effective date of this Chapter or sections herein may be completed in conformance with applicable permits and conditions of the regulations in effect at the time of submission of the application, even if such application does not fully comply with provisions of this Chapter.

(b) If construction is not commenced or completed according to the applicable terms of the application, the Town Council may, for good cause shown, grant an extension of up to one year for such construction. If the building or improvements are~~is~~ not completed within the time allowed under the original application or any extension granted, then the building or improvements may be constructed, completed, or occupied only in compliance with this Chapter.

(3) **Prior Approvals**

Where a planned development, special use district, special use, or conditional use was approved prior to the effective date of this Chapter, the provisions of this Chapter shall apply to the extent that they do not conflict with the original conditions of approval.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07, Am. Ord. 2016-04-04, passed 04-04-2016)

ARTICLE 2: ZONING DISTRICTS

§ 155.200 DISTRICTS ESTABLISHED

To carry out the provisions of this Chapter, within the jurisdiction of the Town, the following zoning districts are established.

(A) **INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

(1) **Defined**

District boundaries ~~as are~~ are as shown upon the Official Zoning Map and Future Land Use Map ~~of the Town~~ as set forth in § 155.104, and as adopted by Town Council. The provisions of this chapter are hereby established and declared to be in effect upon all land included within the boundaries as shown on the maps.

(2) **Rules for Interpretation**

~~The Board of Adjustment is authorized to interpret the Official Zoning Map and act upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Planning Director, they shall be handled as provided in § 155.717.~~

~~An application for an Official Zoning Map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Planning Director. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.~~

(a) The Planning Director shall be responsible for interpretations of the Official Zoning Map and Future Land Use Map in accordance with the standards set forth in this Section. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and

3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.

4. Where a district boundary divides a lot or where distances are not specifically indicated on the zoning map, the boundary shall be determined by measurement, using the scale of the zoning map.

5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(b) Any person or party aggrieved by the Planning Director's interpretation of the Official Zoning Map may file an Administrative Appeal application to the Board of Adjustment, as provided in §155.717 of this ordinance. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.

~~(A)~~(B) **GENERAL USE DISTRICTS**

(1) **Residential Districts**

(a) ***R-E | Residential-Estate.*** The R-E district is comprised of low density, single-family dwellings, and other selected uses which are compatible with the open and rural character of the area. The established regulations for this district are designed to promote and encourage an environment for family life and agriculture. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted.

(b) ***R-10 | Single-Family Residential-10.*** The R-10 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at relatively low densities characterized predominantly by owner-occupied, single-family detached units. The district requirements protect existing neighborhoods from undesirable or incompatible uses. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.

(c) ***R-8 | Single-Family Residential-8.*** The R-8 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at suburban densities characterized predominantly by owner-occupied, single-family detached units. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.

(d) ***R-6 | Single-Family Residential-6.*** The R-6 district is established to provide for orderly suburban residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density which include multi-family dwellings mixed with other housing types. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.

(2) **Nonresidential Districts**

(a) ***O-R | Office-Residential.*** The O-R district is intended to accommodate modest-scale professional occupations, along with single-family and multi-family residential units, to

serve as a neighborhood activity center and as a transition between residential and more intense commercial uses.

(b) ***O-I | Office-Institutional.*** The O-I district is intended to permit offices, institutions, and associated administrative, executive, professional and research uses in new and existing structures and limited retail uses. Such offices and ~~instructional user should be~~ institutional uses are generally located along or proximate to major roadways~~,~~ or adjacent to commercial uses ~~to~~ and may act as a buffer between such ~~roadways~~ areas and residential uses.

(c) ***B-1 | Central-Business.*** The B-1 district is intended to foster a vibrant, safe, central business district and town center by encouraging dense residential development while retaining and further developing a broad range of commercial, retail, service, office, institutional, public, cultural, and entertainment uses and activities. The district is intended to define and promote the town center as a desirable place to live, work, shop, and recreate.

(d) ***B-2 | Neighborhood-Business.*** The B-2 district provides opportunities for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive, and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation, and utilities.

(e) ***B-3 | Highway-Business.*** The B-3 district provides ~~locations of~~opportunities for offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. Located on major and minor thoroughfares, ~~and, therefore, are~~ this district is accessible to and serves the entire community. Site design and buffering mitigate impacts of traffic, operations, and scale on adjacent businesses and residential neighborhoods.

(f) ***I-1 | Industrial-Light.*** The I-1 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities. The regulations of this district are intended to prohibit the use of land for industries that by their nature may create ~~some~~ very minor nuisance to surrounding properties.

(g) ***I-2 | Industrial-Heavy.*** The I-2 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. ~~Indented~~ Intended for heavy industries that, by their nature, may create some nuisance, and which are not properly associated with or are compatible with nearby residential or business districts, warehousing and wholesaling activities, and research facilities.

(h) ***PF | Public Facilities.*** The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PF district is primarily intended for, although not limited to,

public parks and recreation areas, public buildings and facilities, and other capital improvements of a significant nature. *(Ord. 2015-09-03, adopted 09/28/2015)*

(3) **Planned Development Districts**

(a) ***PD-R | Planned Development-Residential.*** The PD-R district provides opportunities for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in a residential district or greater scrutiny by the Town due to their scale.

(b) ***PD-C | Planned Development-Commercial.*** The PD-C district is intended to enhance the design of a commercial development by allowing for additional flexibility not available in the nonresidential districts. The district allows for innovations and special features in site development, including the location and type of structures, the conservation of natural features, the conservation of energy, and the efficient use of open space.

(c) ***PD-I | Planned Development-Industrial.*** The PD-I district is intended to provide a means of achieving unified industrial complexes of high quality to promote amenities beyond those expected under conventional techniques, to achieve greater flexibility in design, to encourage well-planned industrial developments that provide for community needs, to provide for appropriate use of land which is significantly unique in its physical characteristics, location or other circumstances to warrant special methods of development, and to allow the expansion of existing industrial areas while safeguarding and maintaining the integrity of surrounding uses, especially those of a residential nature.

(d) ***PD-MU | Planned Development-Mixed Use.*** The PD-MU district is intended to provide coordinated mixed use developments which include light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

~~(B)~~(C) **SPECIAL USE DISTRICTS**

(1) Pursuant to G.S. § 160A-382, the Town Council may establish by ordinance various special use districts upon request by or on behalf of all owners. Parallel special use districts shall be designated by adding "-SUD" to the corresponding general use district.

(2) All zoning regulations that apply to the general use district are the minimum within the corresponding special use district.

(3) A special use district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may limit the number of uses.

(4) Under each special use district, all uses must be approved through the issuance of a special use permit granted by the Town Council in accordance with § 155.711. However, a special use

permit is not required as a prerequisite to establish a special use district, since the district itself may be conditioned and established first and then developed much later. However, a special use permit may be submitted in tandem petition for the special use district, either by preference of the applicant or upon request by the Town Council or Planning Director, if either finds that such permit is necessary in order to consider an application for a special use district.

(5) If for any reason a condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, it is the intent of this chapter that the authorization of such special use ~~permit~~ district or special use permit within that district shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.

(C) **OVERLAY DISTRICTS**

(1) **Thoroughfare Overlay District (TOD)**

The Thoroughfare Overlay District is established for the purpose of maintaining a safe, efficient, and functional development pattern adjacent to major thoroughfares, while maintaining an aesthetic streetscape environment. It is recognized that an enhanced development quality in areas of high visibility promotes economic development and stability in the entire community. The standards established in § 155.204(A) shall be applied to properties which adjoin major thoroughfares, as designated on the Town's Overlay Zoning Map.

(2) **Watershed Protection Overlay (WPO)**

(a) The Watershed Protection Overlay (WPO) is hereby established as a district that overlays the designated water supply watershed. The designated water supply watershed under this district is defined and established by the overlay district "Watershed Protection Overlay" on the zoning map. Land use and development within the WPO must comply with all the requirements of both the underlying zoning district and the watershed overlay.

(b) The designated water supply watershed within the Town is designated by the state as a Class IV watershed protected area (WS-IV PA) and is referred to as the Neuse River (Smithfield) watershed within the Neuse River basin. Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this program. See § 155.501 for watershed protection standards.

(3) **Scenic Highway Overlay (SHO)**

The Scenic Highway Overlay is established for the purpose of protecting the visual qualities of the scenic US Highway 70 West corridor, as further described in this Article, specifically in §155.204.

(6) **Downtown Overlay District (DOD)**

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries, as well as the aesthetics

and character of the district as further described in this Article, specifically in §155.204.

~~(C)(A) **INTERPRETATION OF DISTRICT BOUNDARIES**~~

~~(1) **Defined**~~

~~District boundaries as are shown upon the Official Zoning Map of the Town as set forth in § 155.104, and as adopted by Town Council. The provisions of this chapter are hereby established and declared to be in effect upon all land included within the boundaries as shown on the map.~~

~~(2)(1) **Rules for Interpretation**~~

~~(a) The Board of Adjustment is authorized to interpret the Official Zoning Map and act upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Planning Director, they shall be handled as provided in § 155.717.~~

~~(b)(a) An application for an Official Zoning Map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Planning Director. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.~~

~~(c)(a) Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:~~

~~1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.~~

~~2.1. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and~~

~~3.1. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.~~

~~4.1. Where a district boundary divides a lot or where distances are not specifically indicated on the zoning map, the boundary shall be determined by measurement, using the scale of the zoning map.~~

~~5.1. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.~~

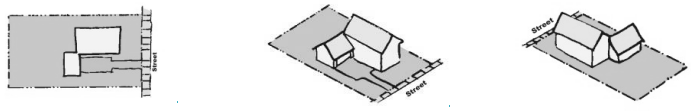
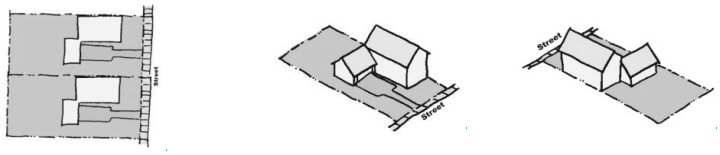
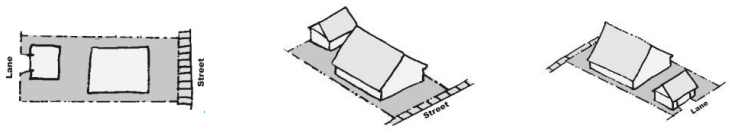
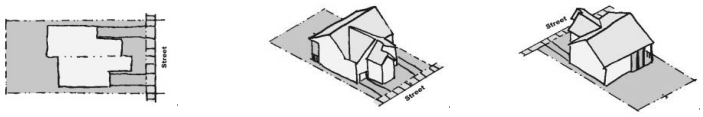
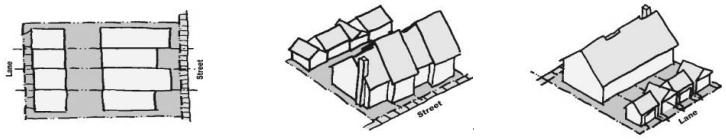
(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09, Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016)

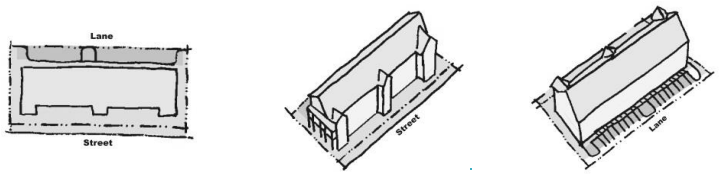
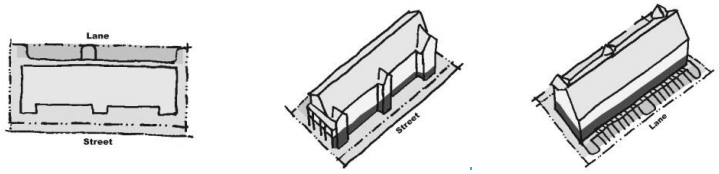
§ 155.202 LAND USE REGULATIONS

~~(A) **HOUSING TYPES**~~

~~(1) **Definitions**~~

~~The following housing types are established to provide a common terminology for housing in the Town. All drawings are for illustrative purposes only.~~

~~**Single Family Detached**~~ ~~A detached dwelling unit located on a single lot with private yards on all four sides~~	
~~**Zero Lot Line House**~~ ~~A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single family detached house.~~	
~~**Alley Loaded House**~~ ~~A detached dwelling unit located on a single lot with private yards on all four sides; however, the house is set closer to the street than a single family detached house.~~	
~~**Two Family House**~~ ~~Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.~~	
~~**Townhouse**~~ ~~Two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls; individual units can be mixed vertically.~~	

~~**Apartment**~~ ~~Three or more attached dwelling units in a single structure on a single lot. An apartment can vary in height from two to five stories, individual units can be mixed vertically.~~	
~~**Upper Story Residential** A dwelling unit located on a floor above a nonresidential use.~~	

(A) **USE REGULATIONS TABLE**

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

(1) **Key to Types of Use**

(a) ***Permitted.*** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through ~~155.307~~155.311. Such uses are also subject to all other applicable requirements of this chapter.

(b) ***Conditional Use Review***. A "C" indicates a use that may be permitted in the respective general use district only where approved by the Board of Adjustment in accordance with § 155.710. Conditional uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through ~~155.307~~155.311, except where such use standards are expressly modified by the Board of Adjustment as part of the conditional use approval.

(c) ***Special Use Review***. An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through ~~155.307~~155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.

(d) ***Specific Use Section***. The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through ~~155.307~~155.311. Where no cross-reference is shown, no additional use standard shall apply.

(e) ***Uses Not Permitted.*** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:

1. Open dump;

2. Outdoor gun range; and

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

(2) **Uses**

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for general use districts. For special use districts see § 155.200(B), for overlay districts see § 155.204, for planned development districts see § 155.203(L), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Residential Uses													
Adult Care Home (2-6 Adults)	P	P	P	P									§155.301(A)
Adult Care Home (7-12 Adults)	S	S	S	S	S	~~C~~S	~~S~~	S	~~S~~				§155.301(A)
Adult Care Home (13+ Adults)						~~C~~S	~~S~~	S	~~S~~				§155.301(A)
~~Alley Loaded House~~		~~P~~	~~P~~	~~P~~	~~P~~								~~§155.301(B)~~
Apartments		S	S	S	S	S	S	S	S				§155.301(~~C~~B)
Boarding House				C		~~P~~C		~~P~~C					§155.301(~~D~~C)
Child Care Home	C	C	C	C	C								§155.301(~~E~~D)
Duplex		S	S	S	S								§155.301(~~I~~H)
Manufactured Home	P												§155.301(~~F~~E)
Manufactured Home Park	S												§155.301(~~G~~F)
Nursing Home (Congregate Living Facility)	C			~~C~~		P		S	P				§155.301(~~H~~G)
~~Two family House~~		~~S~~	~~S~~	~~S~~	~~S~~								~~§155.301(I)~~
Townhouse		S	S	S	S	S	~~S~~	S	S				§155.301(~~J~~I)
Security/Caretaker Quarters	C								C			C	§155.301(~~K~~J)
Single Family House	P	P	P	P	P								§155.301(~~L~~K)
Upper-story Residence	S	S	S	S	S	P	P	P	P				§155.301(~~M~~L)
Zero Lot Line House		P	P	P									§155.301(~~N~~M)
Public and Civic Uses													
Assembly	~~S~~C					P		C	~~P~~C			P	§155.302(A)
Cemetery	~~P~~S								~~P~~S			P	§155.302(B)
Church or Place of Worship	C	C	C	C		C		C	C				§155.302(C)
College or University						P						P	§155.302(D)
~~Day Care (Supervision for 3-8 children)~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~		~~P~~					~~§155.302(E)~~
Day Care Facility ~~(Supervision for 9 or more children+)~~	C	C	C	C	C	P	~~P~~	~~C~~P	P				§155.302(E)
Government Service	S	S	S	S	P	P	P	P	P	P	P	P	§155.302(F)
Hospital or Medical Center						P			P			P	§155.302(G)
School (Elementary or Secondary)	S	S	S	S		S						P	§155.302(H)
School (Technical, Trade or Business)	S	S	S	S		P			P	P	P	P	§155.302(I)
Recreational Uses													
Entertainment, Indoor						C	C	C	P	P		P	§155.303(A)
Entertainment, Outdoor									C	P		P	§155.303(B)
Fitness/Recreation Center						~~C~~P	C	~~C~~P	P	P		P	§155.303(C)
Golf Course	P	P	P	P								P	§155.303(D)
Gun Range							S	~~S~~	S	S	S	S	§155.303(E)
~~Park, Active~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~S~~	~~SP~~	~~SS~~	~~SP~~	~~S~~	~~S~~	~~S~~	~~P~~	~~§155.303(F)~~
Park~~, Passive~~	~~C~~P	~~C~~P	~~C~~P	~~C~~P	~~P~~S	P	~~C~~S	~~C~~P	~~C~~	~~C~~	~~C~~	P	§155.303(~~G~~F)
Stable, Private	P												§155.303(~~H~~G)
Agricultural Uses													
Agriculture, Livestock	C										C		§155.304(A)
Agriculture, Sales and Service	P										C		§155.304(B)

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Nursery	P					~~P~~C	~~P~~S	C	P			P	§155.304(C)
Commercial Uses													
Adult Oriented Business									~~S~~	S	~~S~~		§155.305(A)
Bed and Breakfast	P			C	C	P	~~P~~S	P	~~P~~				§155.305(B)
Car Wash/Auto Detailing						C	~~C~~	P	P				§155.305(C)
Contractor Office						C	~~C~~		~~P~~C	P	P		§155.305(D)
~~Storage Yard~~									~~C~~	~~C~~	~~P~~	~~P~~	~~§155.305(E)~~
Convenience Store with Gas Sales							~~C~~	C	P	P	~~P~~		§155.305(F)
Creative Studio					P	P	P	P	P				§155.305(G)
Financial Institution					~~P~~C	P	~~P~~S	P	P				§155.305(H)
Funeral Home	C			~~C~~	~~P~~C	P	~~P~~	~~P~~	~~P~~				§155.305(I)
Hotel/Motel						S	S	S	P				§155.305(J)
Kennel	C							C	C				§155.305(K)
Laundry Services							~~C~~	C	C	P	P		§155.305(L)
Lounge, Cocktail							S	S	S	S	~~S~~		§155.305(M)
Microbrewery							P	S	P	P	P		§155.305(N)
~~Newspaper~~ Publisher						P			P	P	P		§155.305(O)
Office, General					P	P	P	P	P	P		P	§155.305(P)
Office, Medical					P	P	~~P~~S	P	P	~~P~~			§155.305(Q)
Outdoor Seating/Sidewalk Cafe						C	P	~~C~~P	C				§155.305(R)
Parking Lot					~~S~~	S	S	S	S	S	S	S	§155.305(S)
Pawn Shop									C	P			§155.305(T)
Radio or Television Studio									P	P	P		§155.305(U)
~~Restaurant, Drive-Through~~								~~C~~	~~C~~	~~C~~			~~§155.305(V)~~
Restaurant~~, General~~						C	P	P	P	~~C~~			§155.305(~~W~~T)
~~Retail Sales, General~~							~~P~~		~~P~~				~~§155.305(X)~~
Retail Sales~~, Neighborhood~~							P	P	P	P			§155.305(~~Y~~U)
Self-storage Facility									C	P	~~P~~		§155.305(~~Z~~V)
Service~~, General~~					S	S	P	P	P				§155.305(~~AA~~W)
~~Service, Neighborhood~~					~~S~~	~~S~~	~~P~~	~~P~~	~~P~~				~~§155.305(BB)~~
Storage Yard										C	P	P	§155.305(E)
Tattoo Parlor									S				§155.305(~~CC~~X)
Towing Service and Storage									~~C~~S	C	C		§155.305(~~DD~~Y)
Vehicle Repair or Service									S	P	~~P~~C		§155.305(~~EE~~Z)
Vehicle Sales and Rental									~~P~~S	P	~~P~~C		§155.305(~~FF~~AA)
Veterinary Clinic						C	~~C~~	C	P				§155.305(~~GG~~BB)
Video Sweepstakes Operations										S			§155.305(~~HH~~CC)
Industrial Uses													
Building Supplies, Wholesale									~~C~~	P	P		§155.306(A)
Crematorium										P	P		§155.306(B)
Gas and Fuel, Wholesale										P	P	P	§155.306(C)
Laboratory, Research						P			~~P~~	P	P		§155.306(D)
Manufacturing,- Light ~~Limited~~										P	P		§155.306(E)
~~Manufacturing, General~~										~~C~~	~~P~~		~~§155.306(F)~~
Manufacturing, Heavy											P		§155.306(F)~~G)~~
Research and Development						P			~~P~~	P	P		§155.306(G~~H~~)
Warehouse, Freight Movement									C	P	P		§155.306(H~~I~~)
Utilities													
Recycling Center										~~P~~S	P	P	§155.307(A)
Renewable Energy Facility	S									S	S	S	§155.307(B)
Telecommunication Facility	S	S	S	S	S	S	S	S	S	S	S	S	§155.307(C)
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	§155.307(D)
Utility, Major										P	P	P	§155.307(E)
Waste Service										C	P	P	§155.307(F)

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
	Key:												
	P – Permitted												
	C – Conditional Use permitted in the zoning district only if approved by the Board of Adjustment (BOA) (§ 155.710)												
	S – Special Use permitted in the zoning district only if approved by the Town Council (TC)~~)~~ (§ 155.711)												

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

ARTICLE 3: SPECIFIC USE STANDARDS

§ 155.300 USE INTERPRETATION

(A) **USES**

THE LIST OF USES INCLUDED IN THE USE REGULATIONS TABLE (TABLE 2-1 IN §155.202~~(B)~~) AND DEFINED IN THIS SUBSECTION IS INTENDED TO CLASSIFY USES ON THE BASIS OF COMMON FUNCTIONAL CHARACTERISTICS (ACTIVITY, TYPE OF CUSTOMERS, GOODS OR SERVICES) AND LAND USE COMPATIBILITY. OTHER USES NOT SPECIFICALLY LISTED IN THE USE TABLE, BUT EXHIBITING SIMILAR CHARACTERISTICS TO A LISTED USE, SHALL BE SO CLASSIFIED BY THE INTERPRETATION OF THE PLANNING DIRECTOR PURSUANT TO THE PROCEDURES AND STANDARDS SET FORTH IN 155.300(B) BELOW.

(B) **USES NOT SPECIFICALLY LISTED**

(1) Any use not specifically listed in this chapter is expressly prohibited, unless the Planning Director determines in accordance with § 155.715, that the use is similar to a use or uses listed in this chapter. Where an unlisted use is similar to a use listed in Table 2-1 (§ 155.202~~(B)~~), the unlisted use shall also be subject to the similar uses standards and approval process. The Planning Director shall not amend this chapter by adding to or eliminating any use standard for the unlisted use.

(2) Where an unlisted use is found by the Planning Director not to be similar to any other use listed in Table 2-1 (§ 155.202~~(B)~~), the use shall be permitted only following a text amendment in accordance with § 155.703. The decision of the Planning Director may not be appealed to the Board of Adjustment.

(3) When considering the appropriate districts for a use not listed in the Use Regulations Table, the district intent statements (see §155.200 ~~155.203(A)~~) shall be taken into consideration.

(4) Determination of an appropriate category for a proposed use not currently listed shall be made by applying the following criteria.

(a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.

(b) The relative amount of site area or floor space and equipment devoted to the activity.

(c) Relative amounts of sales from each activity.

(d) The customer type for each activity.

(e) The relative number of employees in each activity.

(f) Hours of operation.

(g) Building and site arrangement.

(h) Types of vehicles used and their parking requirements.

(i) The relative number of vehicle trips generated.

(j) Signs.

(k) How the use is advertised.

(l) The likely impact on surrounding properties.

(m) Whether the activity is likely to be found independent of the other activities on the site.

(C) **DEVELOPMENTS WITH MULTIPLE USES**

(1) Nonresidential, townhouse, and apartment complexes may be established on a single unified parcel, provided that the following requirements are met. Except as set forth above, no more than one principal building or use may be erected on a single lot of record.

(2) Development with multiple uses shall meet all applicable development standards as set forth in §§ 155.200 through 155.204, §§ 155.400 through ~~155.405~~155.404 and §§ 155.500 through 155.502. Applicants shall comply with all other provisions in this chapter and all other applicable laws.

(3) When the principal uses of a development fall within different group of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.

(4) A development comprised of uses regulated by separate rows on the Use Regulations Table shall be reviewed using the most restrictive process from among the proposed uses. If a proposed development on a single parcel includes a special use review, then the entire development requires special use review.

(5) Where a use requiring approval as a conditional use or a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2006-06-01, passed 6-19-06; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

§ 155.301 RESIDENTIAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) **ADULT CARE HOME**

(1) An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.

(2) In the R-E District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 4,000 square feet of lot area per occupant.

(3) In the R-10 District, an adult care home shall provide least 150 square feet of gross floor area per occupant and 2,000 square feet of lot area per occupant.

(4) In the R-8 District, an adult care home shall provide least 150 square feet of gross floor area per occupant and 1,600 square feet of lot area per occupant.

(5) In the R-6 District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 1,200 square feet of lot area per occupant.

(6) Pursuant to N.C. General Statutes 168-22, an Adult Care Home shall not be located within a ½ mile radius of an existing Adult Care Home.

~~(B) **ALLEY-LOADED HOUSE**~~

~~A DETACHED DWELLING UNIT LOCATED ON A SINGLE LOT WITH PRIVATE YARDS ON ALL FOUR SIDES: HOWEVER, THE HOUSE IS SET CLOSER TO THE STREET THAN A SINGLE-FAMILY DETACHED HOUSE.~~

~~(1) An alley shall be provided to the rear of all alley-loaded houses. All vehicular access shall take place from the alley. No parking shall be permitted in the required street yard.~~

~~(C)~~(B) **APARTMENTS**

Three or more attached dwelling units in a single structure on a single lot, although individual units may be owned by a single or many different entities. ~~An apartment can vary in height from two to five stories,~~ Apartments are usually multi-story, and individual units can be mixed vertically and/or horizontally.

(1) No parking space shall be located in a required yard, except for the rear yard.

(2) No off-street parking space shall be located closer than ten feet to any residential building wall.

(3) For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median is required at the main entrance to the community.

(4) Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.

(C) **BOARDING HOUSE**

A BUILDING, OTHER THAN A HOTEL/MOTEL OR BED AND BREAKFAST, CONTAINING NOT MORE THAN NINE GUEST ROOMS. AT LEAST ONE MEAL IS PROVIDED TO GUESTS. INDIVIDUAL GUEST ROOMS MAY NOT CONTAIN KITCHENS AND PERSONAL SERVICES ARE NOT PROVIDED.

(1) Boarding houses shall meet the standards of § 152.25 of the Town Code of Ordinances.

(2) Each boarding house shall have a full-time resident manager.

(3) Fifteen square feet of common living area other than kitchens, hallways and bathrooms shall be provided per occupant.

(4) A boarding house shall not be located within 1,000 feet, as measured in any direction from property line to property line, of another boarding house.

(D) **CHILD CARE HOME**

~~A CHILD CARE HOME IS A CHILD CARE ARRANGEMENT LOCATED IN A RESIDENCE WHERE, AT ANY ONE TIME, MORE THAN TWO CHILDREN, BUT LESS THAN NINE CHILDREN, RECEIVE CHILD CARE.~~

~~(1) Where abutting a residential use, visual buffers shall be provided so as to shield all parking areas, play areas and outdoor activity from abutting property. Such buffer shall consist of trees or other vegetation of such height and depths as determined by the Board of Adjustment or an appropriate fence or wall or combination thereof.~~

An assisted living residence that provides 24-hour supervision and personal care services for not more than eight orphaned, abandoned, dependent, disabled, or neglected children, together with not more than two adults who supervise such children, all of whom live together within a single residential dwelling unit. All Child Care Homes shall obtain appropriate licenses from the state.

(1) In the R-E District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 4,000 square feet of lot area per occupant.
(2) In the R-10 District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 2,000 square feet of lot area per occupant.

(3) In the R-8 District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 1,600 square feet of lot area per occupant.

(4) In the R-6 District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 1,200 square feet of lot area per occupant.

(5) Where abutting a residential use, visual buffers shall be provided so as to shield all parking areas, play areas and outdoor activity from abutting property. Such buffer shall consist of trees or other vegetation of such height and depths as determined by the Board of Adjustment or an appropriate fence or wall or combination thereof.

(E) **MANUFACTURED HOME**

A STRUCTURE, TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH IS BUILT ON A PERMANENT CHASSIS AND DESIGNED TO BE USED AS A DWELLING, WITH OR WITHOUT PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES, INCLUDING THE PLUMBING, HEATING, AIR CONDITIONING AND ELECTRICAL SYSTEMS CONTAINED THEREIN. MANUFACTURED HOME INCLUDES ANY STRUCTURE THAT MEETS ALL OF THE REQUIREMENTS OF THIS DEFINITION AND WITH RESPECT TO WHICH THE MANUFACTURER VOLUNTARILY FILES A CERTIFICATION REQUIRED BY THE SECRETARY OF HUD AND COMPLIES WITH THE STANDARDS ESTABLISHED UNDER THE MANUFACTURED HOME ACT.

Except as set forth in division (G)(1)(a) of this section, all manufactured homes shall meet or exceed the following criteria:

(1) The manufactured home shall be set up and tied down in accordance with the standards set by the North Carolina Department of Insurance.

(2) The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.

(3) The manufactured home shall have a minimum of 960 square feet of enclosed and heated living area per dwelling area.

(4) Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall with a finished surface and constructed in accordance with North Carolina Building Code regulations. The foundation shall be unbroken except for required ventilation and access, and installed under the perimeter of the manufactured home.

(5) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.

(6) The exterior siding shall consist predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in

composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(7) The moving hitch, wheels and axles, and transporting lights shall be have been removed.

(8) At least two off-street parking spaces shall be provided.

(9) The lot shall be cleared of all excess growth and graded to provide adequate drainage.

(10) All areas not used for parking, manufactured homes, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion.

(11) All standards must be met prior to issuance of a certificate of occupancy.

(F) **MANUFACTURED HOME PARKS**

ANY PLAT OF GROUND UPON WHICH TWO OR MORE MANUFACTURED HOMES, OCCUPIED FOR DWELLING PURPOSES, ARE LOCATED, REGARDLESS OF WHETHER A CHARGE IS MADE FOR SUCH ACCOMMODATIONS. INCLUDES A RECREATION VEHICLE PARK.

(1) **General Requirements**

(a) Notwithstanding the criteria set forth in division (F) above, manufactured homes located within manufactured home parks shall be in accordance with all of the requirements of division (F) above, except divisions (F)(2), (F)(3) and (F)(4) shall not apply to manufactured homes located in manufactured home parks. All new or replacement manufactured homes located in manufactured home parks shall be a minimum of 12 feet in width, measured at the narrowest part of the shortest axis of the home, and shall contain a minimum of 480 square feet of enclosed and heated living area. The foundation area of the manufactured home shall be at a minimum, completely screened with faux skirting panels constructed from durable vinyl, or panels simulating a faux brick, rock or stone finish. The skirting shall be completely framed including a bottom track. The foundation screening must be kept in a well maintained condition.

(b) All manufactured home parks shall be a minimum of three acres in size.

(c) No living compartment or structure, other than a Florida Room or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered with a roof and open on three sides may be permitted if yard space requirements of this chapter are not violated, and if such addition complies with the North Carolina Building Code.

(d) Up to two manufactured home park identification signs may be utilized, but the sum of the areas of one side of these signs shall not exceed 40 square feet. Only external, non-flashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.

(e) Within a manufactured home park, one manufactured home may be used as an administrative office.

(2) **Streets and Parking**

(a) Each manufactured home shall abut upon an improved street or driveway, which shall have unobstructed access to a Town or state maintained road.

(b) Streets shall have a minimum paved width of 20 feet. In addition, every such street shall lie within a cleared right-of-way having a minimum width of 40 feet.

(c) Maintenance of such streets shall be provided by the owner or operator of the park.

(d) Permanent dead-end streets or cul-de-sacs shall not exceed 500 feet in length and shall be provided with a turnaround of at least 70 feet in diameter.

(e) Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 75 degrees. Where a street intersects a public street or road, the design standards of the North Carolina Highway Commission shall apply.

(f) New street names or manufactured home park names shall not duplicate nor be similar to existing street names or manufactured home park names in the area.

(g) A minimum of two paved parking spaces shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any street in the park.

(h) No manufactured home lots shall be located within the 100-year floodway area, as shown on the latest National Flood Insurance Program map for the Town.

(3) **Lot Size and Lot Width Requirements**

(a) Lots served by community or public water and sewer shall have a minimum lot size of 6,000 square feet and have a minimum lot width of 50 feet at the front building line. The maximum coverage of the lot by the unit and any accessory structures shall not exceed 40% of the lot area.

(b) Lots served by individual septic tank and individual well shall have a minimum lot size of 25,000 square feet and have a minimum lot width of 75 feet at the front building line. The maximum coverage of the lot by the unit and any accessory structures shall not exceed 40% of the lot area.

(c) Lots served by community or public water and individual septic tank or public sewer and individual well shall have a minimum lot size of 15,000 square feet and have a minimum lot width of 75 feet at the front building line. The maximum coverage of the lot by the unit shall not exceed 40% of the lot area.

(4) **Project Boundary Buffer**

A Class C buffer shall be provided (see § 155.402) along all project boundaries of a manufactured home park.

(5) **Yard Requirements**

(a) The following yard requirements shall pertain to every manufactured home in the manufactured home park:

1. Minimum depth of street yard, measured from front lot line: 20 feet.

2. Minimum width of side yard, measured from side lot line:

A. Ten feet.

B. Six feet, if served by public water and sewer.

(b) Minimum depth of rear yard, measured from rear lot line: 20 feet.

(c) Detached garages and accessory buildings may be erected on manufactured home lots as permitted in § 155.308.

(6) **Utility Requirements**

(a) ***Water***

An accessible, adequate, safe supply of water shall be provided in each manufactured home park. When a municipal water supply is not available, a community water supply shall be developed and its supply used exclusively in accordance with the standards of the Sanitary Engineering Division of the North Carolina Division of Health Services and the County Health Department.

(b) ***Sewer***

Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment complying with the requirements of the North Carolina Department of Natural Resources and Community Development and the County Health Department shall be provided.

(c) ***Solid Waste***

1. The storage, collection, and disposal of solid waste in the manufactured home park shall be so constructed as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazard, or pollution, and shall be maintained at least 100 feet from a well site.

2. All solid waste containing garbage shall be stored in a standard fly-tight, watertight, rodent-proof container, which shall be located at each manufactured home space, or an approved bulk container site. The manufactured home park management shall be responsible for the proper storage, collection, and disposal of solid waste as specified by the County Health Department.

3. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation.

4. No junked or abandoned vehicles shall be allowed in the park.

(7) **Street Lights**

All streets in the manufactured home park shall be adequately illuminated. The minimum size street light shall be a 175-watt mercury vapor, approximately 7,000 lumen class or its equivalent, spaced at intervals of not more than 400 feet. Street lights shall be at each intersection.

(8) **Telephone and Power Lines**

All telephone lines and power lines are to be located underground. Utility easements shall not be less than ten feet in width.

(9) **Recreation Areas and Facilities**

(a) Adequate and suitable recreation areas to serve the anticipated population shall be provided and shall consist of at least 10,000 square feet for each 25 manufactured home lots. All manufactured home parks having five or more lots shall have a minimum size recreational area of 10,000 square feet. Manufactured home parks having more than 25 manufactured home lots shall provide 400 square feet of recreation space per lot in excess of 25.

(b) No recreational facilities shall be placed in an area utilized for septic tank filter fields.

(10) **Mobile Home Parks with Prior Approval**

All mobile home parks approved for development by the Town, County, or State prior May 4, 1987 are hereby granted special use status under the terms of § 155.109(A)(2), and the number of units contained therein may be maintained and replaced with other units, provided that:

(a) A copy of the mobile home park plan bearing proof of approval by the responsible governmental agency shall be filed in the Planning Department no later than 90 days after the approval of this revision.

(b) All replacement units shall obtain an approved zoning compliance permit and inspection by the Town Inspections Department prior to occupancy.

(c) All replacement units shall meet the requirements of (F) of this section.

(d) No replacement unit may increase any nonconforming standard of the existing unit, and in no case may any replacement unit be located nearer than ten feet to a public street right-of-way or periphery property line.

(e) Any expansion of a mobile home park shall be in full accordance with the current standards of this chapter.

(f) If a mobile home park which does not conform to current standards has been discontinued, or if 80% of the number of spaces are vacated for a period of 180 days, the mobile home park shall not be re-established, and all future use of the land therein shall comply fully with the provisions of this chapter.

(G) **NURSING HOME (CONGREGATE LIVING FACILITY)**

THIS TERM INCLUDES ASSISTED LIVING FACILITIES, EXTENDED CONGREGATE CARE FACILITIES, TRANSITIONAL LIVING FACILITIES, REHABILITATIVE HOME CARE SERVICES, OR HOME FOR THE AGED OR ANY OTHER RESIDENTIAL STRUCTURE, WHETHER OR NOT OPERATED FOR PROFIT, WHICH UNDERTAKES FOR A PERIOD EXCEEDING 24 HOURS: CARE, HOUSING, FOOD SERVICE, AND ONE OR MORE PERSONAL SERVICES FOR PERSONS NOT RELATED TO THE OWNER OR ADMINISTRATOR BY BLOOD OR MARRIAGE. IN ADDITION, THIS TERM SHALL INCLUDE OTHER RESIDENTIAL USES SUCH AS DORMITORIES, GROUP HOMES WITH A CENTRAL DINING FACILITY, AND SIMILAR BED-BASED USES.

(H) **DUPLEX (ALSO KNOWN AS "TWO FAMILY HOUSE")**

TWO ATTACHED DWELLING UNITS IN A SINGLE STRUCTURE ON A SINGLE LOT ~~(OFTEN CALLED A DUPLEX)~~. THE TWO UNITS CAN BE LOCATED ON SEPARATE FLOORS OR SIDE-BY-SIDE.

(I) **TOWNHOUSE (ALSO KNOWN AS TOWNHOME OR ROWHOUSE)**

TWO OR MORE ATTACHED DWELLING UNITS LOCATED ON SEPARATELY OWNED LOTS OR ON A SINGLE LOT WHERE THE UNITS ARE LINED UP IN A ROW AND SHARE SIDE WALLS, INDIVIDUAL UNITS CAN BE MIXED VERTICALLY. EACH UNIT HAS DIRECT ACCESS TO THE OUTSIDE, WITH FRONT AND REAR WALLS EXPOSED, TO BE USED FOR ACCESS, LIGHT, AND/OR VENTILATION.

(1) Side yards are not required for interior townhouses, but street and rear yards shall be provided for all townhouses, and building separation requirements shall be maintained for all townhouse structures.

(2) ~~Garage~~ **Parking Options**

(a) ***Rear-Loaded Garage***

1. Garage is placed entirely to the rear of the townhouse and is rear-accessed or alley loaded. Garage can be attached or detached.

2. Garage doors must face the alley or rear access drive.

(b) ***Front-Loaded Garage***

1. Garage doors may constitute no more than 50% of the width of the individual townhouse unit.

2. The driveway must be aligned with the garage and shall not exceed the width of the garage entrance/door.

3. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk. The garage doors must be set back at least ~~twenty (20) feet~~ twenty-five feet (25') from the sidewalk.

4. Garage doors must be recessed at least one foot behind the front wall plane, or a second story element over the garage doors must be provided that extends at least one foot beyond the front wall plane.

5. Front-loaded garages shall be prohibited on one-story townhome units.

(c) **Shared Parking Area/Shared Parking Lot**

1. The minimum parking requirement shall be calculated as for an apartment or multi-family development.

(3) The maximum number of units allowed in a single building is eight.

(4) The first floor shall be located from ground level to ~~a minimum of two feet and~~ a maximum of three feet above grade.

(J) **SECURITY OR CARETAKER QUARTERS**

A DWELLING UNIT, WHICH MAY BE A MOBILE HOME, A MANUFACTURED HOME, OR A MODULAR HOME, LOCATED ON A SITE FOR OCCUPANCY BY A CARETAKER OR SECURITY GUARD.

(K) **SINGLE FAMILY HOUSE**

A DETACHED DWELLING UNIT LOCATED ON A SINGLE LOT WITH PRIVATE YARDS ON ALL FOUR SIDES.

(1) For alley-loaded houses, an~~An~~ alley shall be provided to the rear of ~~all alley-loaded~~ the house~~s~~. All vehicular access shall take place from the alley. No parking shall be permitted in the required street yard.

(L) **UPPER-STORY RESIDENTIAL**

A DWELLING UNIT LOCATED ON A FLOOR ABOVE A NONRESIDENTIAL USE.

(1) An upper-story residential unit shall adhere to all dimensional standards of the nonresidential zoning district in which it is located.

(M) **ZERO LOT LINE**

A DETACHED DWELLING UNIT LOCATED ON A SINGLE LOT WITH PRIVATE YARDS ON THREE SIDES. THE UNIT HAS A SINGLE SIDE YARD ON ONE SIDE COMPRISING THE EQUIVALENT OF TWO SIDE YARDS OF A SINGLE-FAMILY DETACHED HOUSE.

(1) A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house. This reduction shall not be allowed on the street yard or to the side yard adjacent to lots that are not part of the zero lot line project.

(2) An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.

(3) If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-06-02, passed 6-4-07; Am. Ord. 2012-01-04, passed 1-3-12; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.302 PUBLIC AND CIVIC USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) **ASSEMBLY**

A SITE OR FACILITY OPEN TO THE PUBLIC OR MEMBERSHIP GROUPS FOR SOCIAL, CIVIC, POLITICAL, EDUCATIONAL, OR RECREATIONAL PURPOSES. TYPICAL USES INCLUDE MUSEUMS, CULTURAL CENTERS, RECREATIONAL FACILITIES, BOTANICAL GARDENS AND COMMUNITY SERVICES SUCH AS AFTER SCHOOL CARE OR TUTORIAL SERVICES, MEDICAL SERVICES, ~~AND~~ EMPLOYMENT SERVICES, AND MAY ALSO INCLUDE USES SUCH AS CULTURAL ORGANIZATIONS AND UNION HALLS.

(B) **CEMETERY**

A PLACE USED OR TO BE USED AND DEDICATED OR DESIGNATED FOR INTERMENTS OF HUMAN REMAINS OR PET ANIMAL REMAINS. A CEMETERY MAY INCLUDE AN OFFICE, CHAPEL, MAUSOLEUM, COLUMBARIUM OR CREMATORY.

(C) **CHURCH OR PLACE OF WORSHIP**

A SANCTUARY WHICH MAY INCLUDE A RETREAT, CONVENT, SEMINARY OR OTHER SIMILAR USE, OWNED OR OPERATED BY A TAX-EXEMPT RELIGIOUS GROUP THAT IS USED PERIODICALLY, PRIMARILY OR EXCLUSIVELY FOR RELIGIOUS WORSHIP, ACTIVITIES AND RELATED SERVICES.

(1) Following the initial approval of places of worship through the conditional use permit process (see § 155.710), expansions of up to 20% of the area originally approved through the conditional use permit process may be approved administratively.

(2) Administrative approvals of expansions of places of worship shall not waive any conditions of approval of the conditional use permit.

(3) Accessory uses standards for a place of worship are set forth in § 155.308(E).

(D) **COLLEGE OR UNIVERSITY**

AN INSTITUTION OF HIGHER LEARNING OFFERING UNDERGRADUATE OR GRADUATE DEGREES, AND INCLUDING THE BUILDINGS REQUIRED FOR EDUCATIONAL OR SUPPORT SERVICES, SUCH AS CLASSROOMS, LABORATORIES, DORMITORIES AND THE LIKE.

(E) **DAY CARE FACILITY ~~(9 OR MORE CHILDREN)~~**

~~AN ESTABLISHMENT THAT PROVIDES CARE, PROTECTION AND SUPERVISION FOR CHILDREN AS REGULATED BY THE NATIONAL RESOURCE CENTER FOR HEALTH AND SAFETY IN CHILD CARE AND EARLY EDUCATION, OR FOR ADULTS AS REGULATED BY THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES.~~

A FACILITY LICENSED BY THE STATE, IF APPLICABLE; PROVIDING CARE FOR CHILDREN WHO DO NOT RESIDE IN THE FACILITY, ARE PRESENT PRIMARILY DURING DAYTIME HOURS, AND DO NOT REGULARLY STAY OVERNIGHT. ALL DAYCARES SHALL BE SUBJECT TO THE FOLLOWING:

(1) An off-street passenger drop-off and passenger loading area shall be provided for any day care. Such area shall not be located in the street yard.

(2) Where abutting a residential use, visual buffers shall be provided so as to shield all parking areas, play areas and outdoor activity from abutting property.

~~(2)~~(3) In-home daycares, consisting of no more than 6 children and operating within a residential dwelling unit by a person that is a resident of the dwelling, shall be permitted subject to the requirements of a Class "B" Home Occupation (See §155.308).

(F) **GOVERNMENT SERVICE**

BUILDINGS OR FACILITIES OWNED OR OPERATED BY A GOVERNMENT ENTITY AND PROVIDING SERVICES FOR THE PUBLIC, EXCLUDING UTILITY AND RECREATIONAL SERVICES. TYPICAL USES INCLUDE ADMINISTRATIVE OFFICES FOR GOVERNMENT AGENCIES, PUBLIC LIBRARIES, POLICE AND FIRE STATIONS, AND RESOURCE CENTERS.

(G) **HOSPITAL**

A FACILITY LICENSED BY THE STATE OF NORTH CAROLINA WHICH MAINTAINS AND OPERATES ORGANIZED FACILITIES FOR MEDICAL OR SURGICAL DIAGNOSIS, OVERNIGHT AND OUTPATIENT CARE, AND TREATMENT OF HUMAN ILLNESS. A HOSPITAL MAY INCLUDE RELATED SUPPORT FACILITIES SUCH AS A HELIPAD, LABORATORIES, OUT-PATIENT DEPARTMENTS, STAFF OFFICES, FOOD SERVICES, AND A GIFT SHOP.

(H) **SCHOOL (ELEMENTARY OR SECONDARY)**

A PUBLIC OR PRIVATE INSTITUTION OFFERING A CURRICULUM OF EDUCATION AUTHORIZED BY THE STATE GIVING REGULAR INSTRUCTION AT THE PRIMARY, SECONDARY LEVEL, OR A SCHOOL FOR THE MENTALLY OR PHYSICALLY HANDICAPPED. INCLUDED IN THIS DEFINITION ARE PRESCHOOL PROGRAMS. HOWEVER, THIS DEFINITION DOES NOT INCLUDE DAY CARE FACILITIES, INDIVIDUAL INSTRUCTION, OR CLASSES IN A SPECIALIZED SUBJECT.

(1) Following the initial approval of a school through the special use permit process (see § 155.711), expansions of up to 20% of the area originally approved through the special use permit process may be approved administratively.

(2) Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.

(I) **SCHOOL (TECHNICAL, TRADE OR BUSINESS)**

AN INSTITUTION OFFERING INSTRUCTION BEYOND HIGH SCHOOL LEVEL WITH A COURSE OF STUDY IN VOCATIONAL, TECHNICAL OR OTHER SPECIAL SUBJECTS.

(1) Following the initial approval of a school through the special use permit process (see § 155.711), expansions of up to 20% of the area originally approved through the special use permit process may be approved administratively.

(2) Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.303 RECREATIONAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) **INDOOR ENTERTAINMENT**

AMUSEMENT ~~OR RECREATIONAL~~ ACTIVITIES CARRIED ON WHOLLY WITHIN A BUILDING. TYPICAL USES INCLUDE BOWLING ALLEYS, BILLIARD PARLORS, THEATERS, ESCAPE ROOMS, VIDEO GAME ARCADES, LASER TAG, INDOOR PAINT BALL, SKATING RINK, AND ACTIVITIES OF A SIMILAR NATURE. THIS DOES NOT INCLUDE AN ADULT-ORIENTED BUSINESS OR ADULT-ORIENTED AMUSEMENT CENTER.

(B) **OUTDOOR ENTERTAINMENT**

AMUSEMENT ~~OR RECREATIONAL~~ ACTIVITIES WHERE ANY PORTION OF THE ACTIVITY TAKES PLACE OUTSIDE OR IN THE OPEN, EXCLUDING ~~GOLF COURSES~~ RECREATION CENTERS AND ~~PUBLIC~~ PARKS. TYPICAL USES INCLUDE ~~ATHLETIC FIELDS,~~ BATTING CAGES, GOLF DRIVING RANGES, ~~TENNIS COURTS,~~ GO-CART TRACKS, OUTDOOR PAINT BALL, DRIVE-IN THEATER, OUTDOOR SKATING RINK, AND MINIATURE GOLF COURSES.

(C) **FITNESS/RECREATION CENTER**

A FACILITY FOR CONDUCTING RECREATIONAL ACTIVITIES, EITHER INDOORS OR OUTDOORS, INCLUDING BUT NOT LIMITED TO RAQUETBALL, HANDBALL, SWIMMING, RUNNING, WEIGHT LIFTING, ATHLETIC FIELDS, TENNIS COURTS, AND AEROBIC EXERCISES. THIS FACILITY MAY ALSO INCLUDE CLASSROOMS, BABYSITTING, AND LIMITED FOOD SERVICE FOR THE FACILITY.

~~A FACILITY USED FOR CONDUCTING RECREATIONAL ACTIVITIES SUCH AS AEROBIC EXERCISES, WEIGHT LIFTING, RUNNING, SWIMMING, RACQUETBALL, HANDBALL, AND SQUASH. A FITNESS CENTER MAY ALSO INCLUDE BABYSITTING AND LIMITED FOOD SERVICE FOR THE USE OF THE MEMBERS OF THE CENTER ONLY.~~

(D) **GOLF COURSE**

A FACILITY PROVIDING A GOLF RECREATION AREA DESIGNED FOR EXECUTIVE OR REGULATION PLAY ALONG WITH ACCESSORY SUPPORT FACILITIES, EXCLUDING MINIATURE GOLF.

(E) **GUN RANGE**

AN ENCLOSED FACILITY USED FOR THE DISCHARGE OF FIREARMS OR PROJECTILES AT TARGETS.

~~(F) **PARK, ACTIVE**~~

~~A PUBLIC AN OUTDOOR RECREATION AREA WHICH PROVIDES ACTIVE RECREATIONAL OPPORTUNITIES AND ACTIVITIES. THE "ACTIVE" COMPONENT INVOLVES SOME ADDITIONAL~~

~~DESIGN, STRUCTURE(S), DEVELOPMENT, OR INFRASTRUCTURE BEYOND THAT REQUIRED FOR A PASSIVE PARK. TO THE GENERAL PUBLIC.~~

~~(G)~~(F) **PARK~~, PASSIVE~~**

~~A PUBLIC OR PRIVATE~~AN OUTDOOR RECREATION AREA RELYING ON A NATURAL ~~OR MAN-MADE~~ RESOURCE BASE OR MAN-MADE RECREATION AMENITY AND DEVELOPED WITH A LOW TO MEDIUM INTENSITY OF IMPACT ON THE LAND. TYPICAL USES INCLUDE GREENWAY (NON-EQUESTRIAN MULTI-USE TRAIL)~~TRAIL~~ SYSTEMS, COMMUNITY GARDENS, WILDLIFE MANAGEMENT, PLAYGROUND, DOG PARK, OTHER SMALL-SCALE RECREATIONAL AMENITIES, SUCH AS SAND VOLLEYBALL, BASKETBALL, OR TENNIS COURT, OR OTHER ACTIVE RECREATIONAL OPPORTUNITIES, ~~AND~~ AS WELL AS DEMONSTRATION AREAS FOR HISTORICAL, CULTURAL, SCIENTIFIC, EDUCATIONAL, OR OTHER PURPOSES THAT RELATE TO THE NATURAL QUALITIES OF THE AREA, AND SUPPORT FACILITIES FOR SUCH ACTIVITIES. COMMERCIAL AMUSEMENT FACILITIES, SUCH AS WATER SLIDES, MINATURE GOLF, OR GO-CART TRACKS, ARE NOT CONSIDERED PARKS (SEE "OUTDOOR ENTERTAINMENT").

~~(H)~~(G)**STABLE, PRIVATE**

THE BREEDING, BOARDING, TRAINING, OR RAISING CARE OF HORSES OWNED BY THE OCCUPANTS OR OWNERS OF THE PREMISES.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

§ 155.305 COMMERCIAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) **ADULT ORIENTED BUSINESS**

ANY PLACE DEFINED AS AN "ADULT ESTABLISHMENT" AS DEFINED BY G.S. § 14-202.10, AS SUCH STATUTE MAY BE AMENDED FROM TIME TO TIME, INCLUDING ADULT CABARETS, AND EXCEPT THE DEFINITION OF "MASSAGE BUSINESS" SHALL NOT INCLUDE ANY ESTABLISHMENT OR BUSINESS WHERE MASSAGE IS PRACTICED THAT IS A HEALTH CLUB, EXERCISE STUDIO, HOSPITAL, PHYSICAL THERAPY BUSINESS OR OTHER SIMILAR HEALTH-RELATED BUSINESS. ADULT-ORIENTED BUSINESS SPECIFICALLY INCLUDES, HOWEVER, ANY MASSAGE BUSINESS WHERE MASSAGES ARE RENDERED BY ANY PERSON EXHIBITING "SPECIFIED ANATOMICAL AREAS" AND/OR WHERE MASSAGES ARE PERFORMED ON ANY CLIENT'S "SPECIFIED ANATOMICAL AREAS." "SPECIFIED ANATOMICAL AREAS" ARE THOSE DEFINED BY G.S. § 14-202.10 AS SUCH STATUTE MAY BE AMENDED FROM TIME TO TIME.

(1) No such use shall be located within 1,000 feet of a church, primary, elementary or secondary school, residence or residentially zoned property, any establishment serving on-premises beverages requiring an ABC license, or any other adult-oriented business.

(2) There shall be no more than one such use on the same property or in the same building or structure.

(3) Except for permanent signage as permitted in § 155.403, there shall be no advertisement, promotional materials, displays, or temporary signs visible to the public from public rights-of-way.

(B) **BED & BREAKFAST**

A BUILDING CONTAINING ONE OR MORE GUEST ROOMS FOR AN OVERNIGHT STAY WHICH ARE RENTED AT A DAILY RATE AND WHERE BREAKFAST IS THE ONLY MEAL SERVED TO GUESTS.

(1) An owner shall reside on site.

(2) There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety.

(3) Meals shall be served on the premises only for guests and employees. Rooms may not be equipped with cooking facilities.

(4) Parking shall not be allowed in any street yard.

(C) **CAR WASH/AUTO DETAILING**

A PERMANENT ESTABLISHMENT ENGAGED IN WASHING OR DETAILING MOTOR VEHICLES WHICH MAY USE PRODUCTION LINE METHODS WITH A CONVEYOR, BLOWER, OR OTHER MECHANICAL DEVICES, AND WHICH MAY EMPLOY SOME HAND LABOR. DETAILING INCLUDES HAND WASHING AND WAXING, STRIPING, AND INTERIOR CLEANING.

(D) **CONTRACTOR OFFICE**

A FACILITY FOR A BUILDING, HEATING, PLUMBING, ELECTRICAL, LANDSCAPE, JANITORIAL OR SIMILAR CONTRACTOR.

(1) All activity shall be conducted entirely within a fully-enclosed building. The temporary loading and off-loading of vehicles shall be permitted outside.

(2) The overnight storage of fleet vehicles may be allowed subject to Planning Board approval (see § ~~155.405~~155.311).

(E) **CONTRACTOR STORAGE YARD**

A LOT USED FOR THE STORAGE OF CONSTRUCTION MATERIAL, EQUIPMENT, OR THREE OR MORE COMMERCIAL VEHICLES USED BY BUILDING TRADES AND SERVICES, OTHER THAN CONSTRUCTION SITES. A CONTRACTOR'S OFFICE IS PERMITTED AS AN ACCESSORY TO THE STORAGE YARD.

(1) Equipment principally used in construction activity shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.

(2) Outdoor storage may be allowed subject to Planning Board approval (see § ~~155.405~~155.311).

(3) Combustible materials and chemicals shall be stored in compliance with all local, state, and federal regulations.

(F) **CONVENIENCE STORE WITH GAS SALES**

A CONVENIENCE STORE WHICH INCLUDES ACCESSORY GASOLINE RETAIL SALES TO THE GENERAL PUBLIC.

(1) **General Standards**

(a) Vehicle repair or service shall not be permitted.

(b) The primary building, including any attached canopy, shall conform to all setback requirements.

(c) Gasoline pumps, tanks and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.

(d) No sign of any type or any gasoline pump or tank shall be located within 20 feet of a residential use.

(e) A Class C buffer (see § 155.402) shall be established along any side of the property where the gas station abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.

(f) Freestanding vents shall not be permitted.

(g) Outdoor storage and display may allowed subject to Planning Board approval (see § ~~155.405~~155.311).

(1) **Fuel Canopies**

(a) The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.

(b) The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.

(2) **Single-Bay Automatic Car Wash**

An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:

(a) The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way.

(b) The car wash structure shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.

(c) The car wash structure shall be located behind the rear building line of the principal building.

(d) All car wash structures shall meet all applicable yard requirements.

(G) **CREATIVE STUDIO**

A FACILITY INVOLVED IN THE DISPLAY AND/OR INSTRUCTION OF THE ARTS, SUCH AS INDIVIDUALLY CRAFTED ARTWORK, JEWELRY, FURNITURE, SCULPTURE, POTTERY, LEATHERCRAFT, HAND-WOVEN ARTICLES, AND RELATED ITEMS; ART CLASSROOM; MUSIC STUDIO OR CLASSROOM; DANCE STUDIO OR CLASSROOM; MARTIAL ARTS INSTRUCTION; OR SIMILAR USE. THIS DEFINITION DOES NOT INCLUDE ANY ADULT ENTERTAINMENT ESTABLISHMENT.

(H) **FINANCIAL INSTITUTION**

AN ESTABLISHMENT ENGAGED IN DEPOSIT BANKING. TYPICAL USES INCLUDE COMMERCIAL BANKS, SAVINGS INSTITUTIONS, AND CREDIT UNIONS, INCLUDING OUTDOOR AUTOMATED TELLER MACHINES AND DRIVE-THRU ONLY FACILITIES.

(1) Freestanding automated teller machines require minor site plan approval.

~~(1)~~(2) Drive-through service is only permitted as an accessory use in the B-3 zoning district, or as a Conditional Use Permit in the B-2 zoning district.

(I) **FUNERAL HOME**

AN ESTABLISHMENT WHICH ARRANGES AND MANAGES FUNERAL AND PREPARES THE HUMAN DECEASED FOR BURIAL.

(1) A funeral home may include a crematorium located within the principal building.

(J) **HOTEL/MOTEL**

A BUILDING CONTAINING ONE OR MORE GUEST ROOMS, FOR OVERNIGHT GUESTS, AND CONTAINING REGISTRATION FACILITIES, ON-SITE MANAGEMENT, CLEANING SERVICES AND COMBINED UTILITIES.

(1) All hotel and motel buildings and parking shall be located at least 50 feet from any property line adjoining a residential district or use.

(2) Any accessory commercial activities such as restaurants shall not be located along the side of the property adjacent to a residential district or use.

(3) Any outdoor recreation facilities, such as swimming pools, shall not be located along the side of the property adjacent to a residential district or use. If the outdoor recreation facility is a swimming pool, it shall meet the standards of § 155.308(D)(3) "Swimming Pools".

(K) **KENNEL**

ANY BUILDING OR LAND USED, DESIGNED OR ARRANGED TO FACILITATE THE CARE OF FOUR OR MORE DOMESTIC ANIMALS, SUCH AS DOGS AND CATS.

(L) **LAUNDRY SERVICES**

AN ESTABLISHMENT THAT PROVIDES WASHING, DRYING, DRY-CLEANING, OR IRONING MACHINES FOR HIRE TO BE USED BY CUSTOMERS ON THE PREMISES, OR THAT IS ENGAGED IN PROVIDING LAUNDRY AND DRY CLEANING SERVICES WITH CUSTOMER DROP-OFF AND PICK-UP.

(M) **LOUNGE, COCKTAIL**

A USE OR FACILITY ENGAGED PRIMARILY IN THE PREPARATION AND RETAIL SALE OF ALCOHOLIC BEVERAGES (WITH FOOD SALES AN ALLOWED ACCESSORY USE) FOR CONSUMPTION ON THE PREMISES.~~, INCLUDING~~ THIS USE IS ALSO KNOWN AS TAVERN~~S~~, BAR~~S~~, NIGHTCLUB~~S~~, ~~AND~~ OR SIMILAR USE~~S~~ OTHER THAN RESTAURANT~~S~~ OR ALCOHOL SALES FOR OFF-PREMISES CONSUMPTION.

(1) Except in the B-1 zoning district, a cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge.

(2) Outdoor seating and open lounge areas shall meet the criteria set forth in § 155.305(R)

(N) **MICROBREWERY**

A FACILITY FOR THE PRODUCTION AND PACKAGING OF BEER AND OTHER MALT BEVERAGES FOR DISTRIBUTION, RETAIL, OR WHOLESALE, ON OR OFF PREMISE, WITH A CAPACITY OF NOT MORE THAN 15,000 BARRELS PER YEAR. AREAS FOR DEMONSTRATION, EDUCATION, RETAIL SALE, OR TASTING ARE INCLUDED IN THIS DEFINITION AS INCIDENTAL TO THE PRIMARY USE OF PRODUCING BEVERAGES.

(O) **~~NEWSPAPER~~ PUBLISHER**

A BUILDING USED FOR THE PRODUCTION AND DISTRIBUTION OF NEWSPAPERS, MAGAZINES, BOOKS, AND OTHER RELATED MATERIALS.

(P) **OFFICE, GENERAL**

A FACILITY GENERALLY FOCUSING ON BUSINESS, GOVERNMENT, OR PROFESSIONAL SERVICES. GENERAL OFFICE SHALL INCLUDE ADVERTISING OFFICES; BUSINESS MANAGEMENT CONSULTING, DATA PROCESSING, COLLECTION AGENCY; REAL ESTATE OR INSURANCE AGENTS, AND PROFESSIONAL SERVICES SUCH AS LAWYER, ACCOUNTANT, BOOKKEEPER, ENGINEER, OR ARCHITECT, SALES OFFICE, TRAVEL AGENCY OR ANY SIMILAR USE.

(Q) **OFFICE, MEDICAL**

A FACILITY IN WHICH A DOCTOR, DENTIST, PSYCHIATRIST, PHYSICIAN'S ASSISTANT, NURSE PRACTITIONER, OR SIMILAR MEDIAL PROVIDER TREATS OR COUNSELS PATIENTS.

(R) **OUTDOOR SEATING AND SIDEWALK CAFES**

A RESTAURANT WHICH PROVIDES AS A PRIMARY COMPONENT OF ITS BUSINESS, AN OPEN AREA OUTSIDE OF THE PRINCIPAL STRUCTURE FOR SEATING INCLUDING AREAS ADJACENT TO SIDEWALKS OR PEDESTRIAN CIRCULATION AREAS.

(1) **Application**

Any restaurant or cocktail lounge seeking to operate a sidewalk cafe shall, in addition to acquiring all necessary health and sanitation permits and inspection and applicable ABC and other business licenses, prepare and file an application for outdoor seating with the ~~Town~~

~~Manager~~Planning Director ~~or his designee, on a form for this purpose provided by the Town Manager~~.

(2) **Site Plan Requirement**

A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk cafe, and the section to be kept clear for pedestrian use, and depicting the proposed placement of tables, chairs, barriers, and other furnishings on the sidewalk or pedestrian way.

(3) **Insurance and Indemnification**

Applicants must show proof of meeting minimum criteria for general liability insurance and must execute an indemnification statement in favor of the Town, each as approved by the Town Attorney.

(4) **Issuance of Permit**

No permit for ~~the operation of a sidewalk cafe~~outdoor seating may be issued unless the application is complete and unless the following requirements are met.

(a) The sidewalk cafe must be associated with an operating restaurant or business such that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant and does not exceed 50% of the interior seating for the associated restaurant or business.

(b) The sidewalk cafe must be operated under the same name as the restaurant and may not be opened or operated at any time when the restaurant or business is not open for business.

(c) The operation of the sidewalk cafe must be clearly incidental to the associated restaurant business.

(d) The placement of tables, chairs and other furnishings, as shown in the ~~drawing submitted with the~~ site plan, must be done in such a manner not to extend more than five feet from the property line, provided that at least four feet of unobstructed space (as measured from the street-side edge of ~~the~~ curb or sidewalk) remains ~~on the sidewalk or pedestrian way~~ for the passage of pedestrians. Trees, poles, signs, sandwich board signs, planters, benches, hydrants, trash receptacles, and the like are all considered obstructions.

(e) The restaurant seeking to operate the sidewalk cafe must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk cafe. The placement of tables, chairs, and other furnishings may not extend ~~beyond the sidewalk or pedestrian way frontage of the associated restaurant~~in front of other businesses or across other public rights-of-way.

(f) The tables, chairs, and other furnishings used in the sidewalk cafe shall be of a type that is easily removed from the public right-of-way. Tables, chairs, and other furnishings used in the operation of the sidewalk cafe must be removed within 24 hours' notice from the Town. If such items are not removed upon 24 hours' notice, the Town shall have the right to remove and dispose of these items and may assess the property owner for the cost of such removal and disposal. The Town shall also have the right to remove such items immediately in an emergency situation. The Town shall not be responsible for damage to the public sidewalk cafe barricades and furnishings under any circumstances.

(g) Except as elsewhere permitted, the operation or furnishing of the sidewalk cafe shall not involve any permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or to the exterior of the associated restaurant. The owner of the sidewalk cafe shall be responsible for repairing any incidental damage to public sidewalks resulting from the operation of the sidewalk cafe.

(h) The sidewalk cafe shall only be open when the restaurant is open. No person shall consume alcoholic beverages in a sidewalk cafe after such hours.

(i) ***Alcoholic Beverages.*** Alcoholic beverages may be served and consumed at sidewalk cafes providing the following requirements are met:

1. The sidewalk cafe shall be part of a standard restaurant or business and shall otherwise be authorized, permitted or licensed under the state law and Town codes to serve and sell alcoholic beverages for on-premises consumption.

2. The portion of the sidewalk cafe where alcohol is or may be served shall be enclosed by clearly visible barricades and shall have not more than two points of ingress or egress.

3. The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to G.S. § 18B-1001 for the purposes of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.

4. Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages in open and unsealed containers from the premises.

5. The ~~restaurant~~ business operator shall not have violated any law, regulation or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the five years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.

(j) ***Denial.*** A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk cafe shall receive a written statement, outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the Town Council within 30 working

days after the date of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and determination of the Town Council shall be final.

(k) ***Permit Revocation.*** The Town Manager or his designee may revoke a permit issued pursuant to this section, if he finds that the restaurant operator has:

1. Deliberately misrepresented or provided false information in the permit application;

2. Violated any provision of this code;

3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances;

4. Operate the sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the sidewalk cafe area clean and free of refuse; and/or

5. Failed to maintain any health, business or other permit or license required by law for the operation of a restaurant business. Before the revocation of a permit, the Town Manager shall notify the permit holder of his intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the Town Manager shall notify permit holder in writing of the decision and the reasons therefor. A decision of the Town Manager to revoke permit may be appealed to the Town Council in accordance with the provision of this section.

(l) **Term, Transfer, Renewal, and the Like.** Permits issued in accordance with the provisions of this section shall:

1. Be ~~issued annually~~renewed automatically on an annual basis unless notice is otherwise given to the applicant or business; and

~~2. Be in addition to the annual privilege license; and~~

~~3.~~2. Not be transferable or assignable.

(5) **Definitions**

For purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Pedestrian Way. An improved walk or passageway intended for use by pedestrians, but not adjacent to any Town street.

Restaurant. An establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as restaurants, cafeterias, cafes, lunch stands, grills, snack bars, fast food businesses and other establishments, such as drug stores, which have a lunch counter or other section where food is sold to be eaten on the premises. This definition does not include food vendors selling food as part of a festival or nonprofit event.

Restaurant Operator or Business Operator. The person, firm or corporation operating a restaurant and associated sidewalk cafe. As used in this section, this definition includes the owner and manager, if different from the owner of the restaurant and associated sidewalk cafe.

Sidewalk. That portion of a public street between the curb line, or the lateral lines of the roadway if there is no curb and the adjacent property line that is intended for the use of pedestrians.

(S) **PARKING LOT**

An area provided for self-parking or valet-parking of operable passenger automobiles or commercial vehicles by employees, visitors, and/or patrons of any office of government, public accommodations, commercial or industrial establishments, institutions, or any other business open to the general public. Parking lots may be further defined as being available for compensation, free, or as an accommodation to clients or customers, and are generally only utilized during regular business hours. For short-term or long-term vehicle storage, see "Self-Storage Facility".

(T) **PAWN SHOP**

ANY ESTABLISHMENT ENGAGED IN THE LOANING OF MONEY ON THE SECURITY OF PERSONAL PROPERTY PLEDGED IN THE KEEPING OF THE PAWNBROKER, AND THE SALE OF SUCH PROPERTY.

(1) Outdoor storage and display may be allowed subject to Planning Board approval (see § ~~155.405~~155.311).

(S) **RADIO OR TELEVISION STUDIO**

AN ESTABLISHMENT PRIMARILY ENGAGED IN THE PROVISION OF BROADCASTING AND OTHER INFORMATION RELAY SERVICES ACCOMPLISHED THROUGH THE USE OF ELECTRONIC AND TELEPHONIC MECHANISMS. EXCLUDED ARE FACILITIES CLASSIFIED AS MAJOR UTILITY SERVICES, BROADCASTING OR TELECOMMUNICATION FACILITIES.

~~(T) **RESTAURANT, DRIVE THROUGH**~~

~~AN ESTABLISHMENT EQUIPPED TO SELL FOOD AND BEVERAGES IN ONE OF THE FOLLOWING METHODS: DRIVE-THROUGH SALES TO PATRONS IN AUTOMOBILES FOR TAKE OUT WHO PLACE ORDERS THROUGH A WINDOW OR REMOTE TRANSMISSION DEVICE; OR SALES TO PATRONS FOR TAKE OUT OR DINING IN, THAT INCLUDES THREE OR MORE OF THE FOLLOWING: FOOD OR BEVERAGE CHOICES ARE ADVERTISED ON A MENU BOARD; COUNTERTOP SALES WHERE PAYMENT~~

~~IS MADE PRIOR TO CONSUMPTION; DISPOSABLE CONTAINERS AND UTENSILS; LIMITED SERVICE DINING FACILITIES WITH NO HOSTESS OR WAITERS; AND SELF SERVICE OR PREPACKAGED CONDIMENTS.~~

~~(U)~~ **RESTAURANT~~, GENERAL~~**

(T) AN ESTABLISHMENT WITH NO DRIVE-THROUGH, EQUIPPED TO SELL FOOD AND BEVERAGES, SERVED AND CONSUMED PRIMARILY ON THE PREMISES, THAT INCLUDES THREE OR MORE OF THE FOLLOWING: HOST OR HOSTESS ASSISTS PATRONS UPON ENTRY; FOOD AND BEVERAGE CHOICES ARE OFFERED FROM A PRINTED MENU PROVIDED BY WAIT STAFF AT A TABLE; ORDERS ARE TAKEN AT THE TABLE; FOOD IS SERVED ON DISHES AND METAL UTENSILS ARE PROVIDED; AND, PAYMENT IS MADE AFTER MEAL CONSUMPTION.A USE, FACILITY, OR ESTABLISHMENT WHOSE PRIMARY PURPOSE IS THE PREPARATION AND SALE OF FOOD FOR ON- OR OFF-PREMISE CONSUMPTION. THIS USE MAY OR MAY NOT INCLUDE THE ACCESSORY SALE OF ALCOHOLIC BEVERAGES.

(1) Drive-through service is only permitted as an accessory use in the B-3 zoning district, or as a Conditional Use Permit in the B-2 zoning district.

~~(V)~~ ~~**RETAIL SALES, GENERAL**~~

~~A FACILITY INVOLVED IN THE WHOLESALE OR RETAIL SALE, LEASE, OR RENTAL OF NEW OR USED PRODUCTS TO THROUGH TRAFFIC AS WELL AS THE SURROUNDING NEIGHBORHOOD. GENERAL RETAIL SHALL INCLUDE THE SELLING, LEASING OR RENTING OF THE FOLLOWING GOODS: ANTIQUES; ART; ART SUPPLIES; BICYCLES; BUILDING SUPPLIES; CAMERAS; CARPET AND FLOOR COVERINGS; CRAFTS; CLOTHING; COMPUTERS; DRY GOODS; ELECTRONIC EQUIPMENT; FABRIC; FURNITURE; GARDEN SUPPLIES; HARDWARE; HOUSEHOLD PRODUCTS; JEWELRY; MEDICAL SUPPLIES; MUSICAL INSTRUMENTS; MUSIC; PETS; PET SUPPLIES; PRINTED MATERIALS; SPORTING GOODS; OR ANY SIMILAR USE. THE RETAIL SALE OF AUTOMOBILE PARTS SHALL BE CONSIDERED RETAIL GENERAL PROVIDED NO ON-SITE AUTOMOBILE SERVICE OR REPAIR IS PROVIDED. THIS DEFINITION DOES NOT INCLUDE ANY ADULT ENTERTAINMENT ESTABLISHMENT.~~

~~(1) Outdoor storage and display may allowed subject to Planning Board approval (see § 155.405).~~

~~(W)~~(U) **RETAIL SALES~~, NEIGHBORHOOD~~**

A FACILITY INVOLVED IN THE WHOLESALE OR RETAIL SALE, LEASE, OR RENTAL OF NEW OR USED PRODUCTS~~ PRIMARILY TO LOCAL TRAFFIC IN THE SURROUNDING NEIGHBORHOOD~~. ~~NEIGHBORHOOD~~ RETAIL SHALL INCLUDE THE SELLING, LEASING OR RENTING OF THE FOLLOWING GOODS: ANTIQUES; ART; ART SUPPLIES; BICYCLES; BOOKS; BUILDING SUPPLIES; CAMERAS; CARPET AND FLOOR COVERINGS; CRAFTS; CLOTHING; COMPUTERS; DRY GOODS; ELECTRONIC EQUIPMENT; FABRIC; FURNITURE; GARDEN SUPPLIES; HARDWARE; HEALTH AND BEAUTY PRODUCTS; HOUSEHOLD PRODUCTS; JEWELRY; MEDICAL SUPPLIES; MUSICAL INSTRUMENTS; MUSIC; PETS; PET SUPPLIES; PHOTO FINISHING; PRINTED MATERIALS; CRAFTS; FLOWERS; GIFTS OR SOUVENIRS; GROCERIES; PLANTS; PICTURE FRAMES; PRODUCE; SPORTING GOODS; STATIONERY; TOBACCO; VIDEOS, OR ANY SIMILAR USE. ALSO INCLUDES PREPARATION AND SALE OF BAKED GOODS, COFFEE, ICE CREAM, FOUNTAIN DRINKS, CONFECTIONS, AND SIMILAR PRODUCTS WHOSE PREPARATION DOES NOT REQUIRE INSTALLATION OF AN EXHAUST HOOD. THE RETAIL SALE OF AUTOMOBILE

PARTS ~~SHALL BE CONSIDERED RETAIL GENERAL~~ IS ALLOWED PROVIDED THAT NO ON-SITE AUTOMOBILE SERVICE OR REPAIR IS PROVIDED. THIS DEFINITION DOES NOT INCLUDE ANY ADULT-ORIENTED BUSINESS OR ADULT-ENTERTAINMENT ESTABLISHMENT.

(1) Outdoor display and sales and outdoor seating and dining~~Outdoor storage and display~~ may be allowed subject to Planning Board approval (see § ~~155.405~~155.311).

~~(1)~~(2) Limited outdoor storage may be allowed in the B-3 and industrial zoning districts only, subject to Planning Board approval.

(3) ~~Outdoor seating and dining~~General outdoor storage may be allowed in industrial zoning districts only, subject to Planning Board approval (see §155.311).

(3) Uses that are strictly wholesale and not available to the general public shall not be allowed in the B-1 or B-2 zoning districts.

~~(2)~~(4) Drive-through service is only permitted as an accessory use in the B-3 zoning district, or as a Conditional Use Permit in the B-2 zoning district.

~~(X)~~(V) **SELF STORAGE FACILITY**

A FACILITY CONSISTING OF INDIVIDUAL, SELF-CONTAINED UNITS THAT ARE LEASED FOR THE STORAGE OF BUSINESS OR PERSONAL GOODS.

(1) All storage shall be contained within a fully-enclosed building. However, limited outdoor storage of boats, travel trailers, recreational vehicles, and other noncommercial, occasional use vehicles may allowed subject to Planning Board approval (see §~~155.405~~155.311).

(2) A Class C buffer (see § 155.402) shall be established along any side of the property where the self-storage facility abuts or is across the street from a residential use or a public right-of-way.

(3) Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.

(4) The following activities shall be prohibited on the premises:

(a) Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage facility may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with state regulations.

(b) Servicing, repair, or fabrication or motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

(c) Operation of a transfer-and-storage business.

(d) Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.

(e) Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

(f) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.

(g) Habitation of storage units by humans or animals.

~~(Y)~~(W) **SERVICE~~, GENERAL~~**

A FACILITY INVOLVED IN PROVIDING PERSONAL OR REPAIR SERVICES TO THROUGH TRAFFIC AS WELL AS THE SURROUNDING NEIGHBORHOOD. GENERAL SERVICES SHALL INCLUDE THE FOLLOWING PERSONAL SERVICES: BEAUTY, HAIR, NAIL, OR TANNING SALON, MASSAGE THERAPY, PACK-AND-SHIP FACILITY, ANIMAL GROOMING; PHOTOGRAPHIC; PHOTOGRAPHY, BLUEPRINT, QUICK-SIGN SERVICE; PSYCHIC OR MEDIUM; SECURITY SERVICE; TAXIDERMIST; CATERING SERVICE OR ANY SIMILAR USE. GENERAL SERVICES SHALL ALSO INCLUDE THE FOLLOWING REPAIR SERVICES: BICYCLES; MOPED, CANVAS PRODUCTS; CLOCKS; COMPUTERS; JEWELRY; MUSICAL INSTRUMENTS; OFFICE EQUIPMENT; RADIOS; SHOES; TELEVISIONS; FURNITURE; WATCHES OR ANY SIMILAR USE. ALSO INCLUDES A TAILOR, MILLINER, UPHOLSTERER OR LOCKSMITH. THIS DEFINITION DOES NOT INCLUDE ANY ADULT-ORIENTED BUSINESS OR ADULT ENTERTAINMENT ESTABLISHMENT. ALL ACTIVITY SHALL BE CONDUCTED ENTIRELY WITHIN A FULLY-ENCLOSED BUILDING, EXCEPT FOR THE FOLLOWING:

(1) Outdoor storage may only be allowed in the B-3 zoning district subject to Planning Board approval (see 155.311).

~~(1)~~(2) Outdoor ~~storage~~ display and sales may allowed subject to Planning Board approval (see § ~~155.405~~155.311).

~~(Z) **SERVICE, NEIGHBORHOOD**~~

~~A FACILITY INVOLVED IN PROVIDING LIMITED PERSONAL SERVICES TO LOCAL TRAFFIC IN THE SURROUNDING NEIGHBORHOOD. NEIGHBORHOOD SERVICES SHALL INCLUDE THE FOLLOWING: PERSONAL CARE SERVICES SUCH AS BEAUTY, HAIR, NAIL, OR TANNING SALON, ; MASSAGE THERAPY; PACK AND SHIP FACILITY; OR ANY SIMILAR USE. THIS DEFINITION DOES NOT INCLUDE ANY ADULT-ORIENTED BUSINESS OR ADULT ENTERTAINMENT ESTABLISHMENT. ALL ACTIVITY SHALL BE CONDUCTED ENTIRELY WITHIN A FULLY ENCLOSED BUILDING, EXCEPT FOR THE FOLLOWING:~~

~~(1) Outdoor display and sales and Outdooroutdoor storage may allowed subject to Planning Board approval (see § 155.405).~~

~~(AA)~~(X) **TATTOO PARLOR**

AN ESTABLISHMENT WHOSE PRINCIPAL BUSINESS ACTIVITY IS THE PRACTICE OF ONE OR MORE OF THE FOLLOWING:

(1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

(2) Piercing of the body of a person (other than the ear) for the purpose of inserting jewelry or other decoration.

~~(BB)~~(Y) **TOWING SERVICE AND STORAGE**

THE USE OF A LOT FOR THE TEMPORARY STORAGE OF OPERABLE OR INOPERABLE VEHICLES IN CONJUNCTION WITH A COMMERCIAL TOWING SERVICE, WITH NO SALES OR REPAIR OR SALVAGE ACTIVITY OCCURRING ON THE LOT AND SUBJECT TO THE FOLLOWING STANDARDS:

(1) Outdoor storage may allowed subject to Planning Board approval (see § ~~155.405~~155.311).

~~(CC)~~(Z) **VEHICLE REPAIR OR SERVICE**

AN ESTABLISHMENT ENGAGED IN THE REPAIR OF NEW OR USED MOTORIZED VEHICLES, EQUIPMENT.

(1) No vehicle sales shall be permitted.

(2) A Class C buffer (see § 155.402) shall be established along any side of the property adjacent to a residential use.

(3) If the facility has more than one service bay, the additional service bay doors shall not be oriented toward any residential use, or the service bays shall be screened from view from adjacent property using landscaping.

(4) All repair or service operations, excluding washing, shall be conducted entirely within a fully-enclosed building. The term fully-enclosed building shall not be construed to limit open bay doors during hours of operation.

(5) Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.

(6) The outdoor overnight storage of vehicles may be allowed subject to Planning Board approval (see § ~~155.405~~155.311).

(7) There shall be no dismantling of vehicles for salvage.

(8) The storage of impounded vehicles shall not be permitted.

~~(DD)~~(AA) **VEHICLE SALES AND RENTAL**

AN ESTABLISHMENT ENGAGED IN THE SALE, RENTAL, OR LEASE OF NEW OR USED MOTORIZED VEHICLES, EQUIPMENT, OR MOBILE HOMES AS DEFINED BY THE DEPARTMENT OF MOTOR VEHICLES. TYPICAL USES INCLUDE AUTO AND TRUCK RENTAL, LEASE AND SALES; BOAT RENTAL AND SALES; MOBILE HOME AND RECREATIONAL VEHICLE SALES; CONSTRUCTION EQUIPMENT RENTAL YARDS; MOVING TRAILER RENTAL, AND LARGE IMPLEMENT SALES OR RENTAL.

(1) A Class C buffer (see § 155.402) shall be established along any side of the property adjacent to a residential use.

(2) Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.

(3) The outdoor overnight storage of vehicles under repair may be allowed subject to Planning Board approval (see § ~~155.405~~155.311).

(4) Vehicle sales displayed for rental or sale visible from the public right-of-way shall provide a parking buffer as set forth in § 155.402(E)(2)(b).

~~(EE)~~(BB) **VETERINARY CLINIC**

AN ESTABLISHMENT ENGAGED IN PROVIDING MEDICAL CARE, TREATMENT AND TEMPORARY BOARDING FOR ANIMALS.

(1) Outdoor runs may be permitted subject to Board of Adjustment approval (see § 155.710).

(2) All animal boarding shall occur indoors. All pens, kennels and runs shall be located within an enclosed structure.

~~(FF)~~(CC) **VIDEO SWEEPSTAKES OPERATION**

ANY BUSINESS ENTERPRISE, WHETHER AS A PRINCIPAL OR AN ACCESSORY USE, WHERE PERSONS UTILIZE ELECTRONIC MACHINES, INCLUDING BUT NOT LIMITED TO COMPUTERS AND GAMING TERMINALS, TO CONDUCT GAMES OF CHANCE, INCLUDING SWEEPSTAKES, AND WHERE CASH, MERCHANDISE OR OTHER ITEMS OF VALUE ARE REDEEMED OR OTHERWISE DISTRIBUTED, WHETHER OR NOT THE VALUE OF SUCH DISTRIBUTION IS DETERMINED BY ELECTRONIC GAMES PLAYED OR BY PREDETERMINED ODDS. THIS TERM INCLUDES, BUT IS NOT LIMITED TO INTERNET CAFES, INTERNET SWEEPSTAKES, AND CYBERCAFÉS. THIS DOES NOT INCLUDE ANY LOTTERY APPROVED BY THE STATE OF NORTH CAROLINA.

(1) Unaccompanied persons under the age of eighteen (18) are prohibited from entering the premises.

(2) The hours of operation shall be limited to Sunday through Thursday 9am to 1am, and Friday and Saturday 9am to 2am.

(3) A maximum of one hundred (100) machines are allowed at each establishment.

(4) Two (2) or fewer machines are classified as an accessory use and shall not be bound by the standards of this section.

(5) All uses meeting the definition of Internet Sweepstakes Facilities that were established prior to December 3, 2012 shall cease operations and close or be brought into compliance with the provisions of this ordinance by midnight, December 31, 2013.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.306 INDUSTRIAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) **BUILDING SUPPLIES, WHOLESALE**

AN ESTABLISHMENT ENGAGED IN THE SALE OR FABRICATION AND ALLIED PRODUCTS TO CONTRACTORS FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND IMPROVEMENT OF REAL PROPERTY.

(1) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.

(B) **CREMATORIUM**

A PLACE USED AND DEDICATED TO THE CREMATION OF HUMAN REMAINS OR PET ANIMAL REMAINS.

(C) **GAS AND FUEL, WHOLESALE**

THE USE OF LAND FOR BULK STORAGE AND WHOLESALE DISTRIBUTION OF 2,500 GALLONS OR MORE OF FLAMMABLE LIQUID, OR 2,000 GALLONS WATER CAPACITY OR MORE OF FLAMMABLE GAS, EXCLUDING BELOW-GROUND STORAGE WHICH IS CLEARLY ACCESSORY TO THE PRINCIPAL USE ON THE SITE.

(D) **LABORATORY, RESEARCH**

AN ESTABLISHMENT ENGAGED IN INDUSTRIAL, SCIENTIFIC OR MEDICAL RESEARCH, BIO-MANUFACTURING, TESTING, AND ANALYSIS, INCLUDING SUPPORT SERVICES AND STRUCTURES. TYPICAL USES INCLUDE NATURAL SCIENCE/MANUFACTURING RESEARCH FACILITIES AND PRODUCT TESTING/QUALITY CONTROL FACILITIES.

(1) Outdoor manufacturing, processing or testing shall be limited to industrial districts only.

(E) **MANUFACTURING, LIGHT ~~LIMITED~~**

A FACILITY CONDUCTING MEDIUM AND LIGHT MANUFACTURING OPERATIONS, PRIMARILY INVOLVING THE CREATION OF FINISHED PRODUCTS OR PARTS FROM PREVIOUSLY PREPARED MATERIALS AND THE MANUFACTURING OF PRODUCTS AND MATERIALS FROM EXTRACTED RAW MATERIALS. THE PROCESSING, FABRICATION, ASSEMBLY, TREATMENT, PACKAGING, AND STORAGE OF SUCH PRODUCTS IS ALSO INCLUDED. ALL ACTIVITIES SHALL OCCUR WITHIN A FULLY ENCLOSED BUILDING~~,~~ NO MANUFACTURING INVOLVED SHALL PRODUCE NOISE, VIBRATION, AIR POLLUTION, FIRE HAZARD, OR NOXIOUS EMISSION WHICH MAY DISBURB OR ENDANGER NEIGHBORING PROPERTIES.

~~A FACILITY CONDUCTING LIGHT MANUFACTURING OPERATIONS WITHIN A FULLY-ENCLOSED BUILDING, GENERALLY SERVICED BY TRUCKS NO LONGER THAN 24 FEET IN LENGTH. LIMITED MANUFACTURING SHALL INCLUDE THE FOLLOWING: BULK MAILING SERVICE; CLOTHING OR TEXTILE MANUFACTURING; MANUFACTURE OR ASSEMBLY OF EQUIPMENT, INSTRUMENTS (INCLUDING MUSICAL INSTRUMENTS), APPLIANCES, PRECISION ITEMS, AND ELECTRICAL ITEMS; PRINTING, PUBLISHING, AND LITHOGRAPHY; PRODUCTION OF ARTWORK AND TOYS; SIGN-MAKING; BUILDING MAINTENANCE SERVICE; EXTERMINATOR; MOVIE PRODUCTION FACILITY; PHOTO-FINISHING LABORATORY; REPAIR OF SCIENTIFIC OR PROFESSIONAL INSTRUMENTS AND ELECTRIC MOTORS; SHEET METAL; WELDING, MACHINE, TOOL REPAIR SHOP OR STUDIO; WOODWORKING, INCLUDING CABINET MAKERS AND FURNITURE MANUFACTURING; OR ANY SIMILAR USE.~~

(1) All manufacturing activity shall be conducted entirely within a fully-enclosed building.

(2) Outdoor storage and display may allowed subject to Planning Board approval (see § ~~155.405~~155.311).

(3) Uses shall not emit smoke, odor, ~~or~~ objectionable waste materials or excessive noise.

(4) No vibration shall be produced that is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.

(5) No direct glare from high temperature processes such as combustion or welding visible from the street shall be permitted.

~~(F) **MANUFACTURING, GENERAL**~~

~~A FACILITY CONDUCTING MANUFACTURING WITH SOME OPERATIONS CONDUCTED OUTSIDE. GENERAL MANUFACTURING SHALL INCLUDE THE FOLLOWING: BULK MAILING SERVICE; CLOTHING OR TEXTILE MANUFACTURING; MANUFACTURE OR ASSEMBLY OF EQUIPMENT, INSTRUMENTS (INCLUDING MUSICAL INSTRUMENTS), APPLIANCES, PRECISION ITEMS, AND ELECTRICAL ITEMS; PRINTING, PUBLISHING, AND LITHOGRAPHY; PRODUCTION OF ARTWORK AND TOYS; SIGN-MAKING; BUILDING MAINTENANCE SERVICE; EXTERMINATOR; MOVIE PRODUCTION FACILITY; LAUNDRY OR DRY CLEANING PLANT; PHOTO-FINISHING LABORATORY; REPAIR OF SCIENTIFIC OR PROFESSIONAL INSTRUMENTS AND ELECTRIC MOTORS; SHEET METAL; WELDING, MACHINE, TOOL REPAIR SHOP OR STUDIO; WOODWORKING, INCLUDING CABINET MAKERS AND FURNITURE MANUFACTURING; OR ANY SIMILAR USE.~~

~~(G)~~(F) **MANUFACTURING, HEAVY**

A FACILITY CONDUCTING ASSEMBLY HEAVY MANUFACTURING WITH OPERATION CONDUCTED INDOORS AND OUTDOORS. HEAVY MANUFACTURING SHALL INCLUDE THE FOLLOWING: HEAVY FACTORY PRODUCTION; INDUSTRIAL YARDS; ANY USE THAT IS POTENTIALLY DANGEROUS, NOXIOUS OR OFFENSIVE TO NEIGHBORING USES OR THOSE WHO PASS ON PUBLIC WAYS BY REASON OF SMOKE, ODOR, NOISE, GLARE, FUMES, GAS, VIBRATION, THREAT OF FIRE OR EXPLOSION, EMISSION OF PARTICULATE MATTER, INTERFERENCE WITH RADIO, TELEVISION RECEPTION, RADIATION OR ANY OTHER LIKELY CAUSE; ANIMAL PROCESSING, PACKING, TREATING,

AND STORAGE; LIVESTOCK OR POULTRY SLAUGHTERING; CITRUS CONCENTRATE PLANT; PROCESSING OF FOOD AND RELATED PRODUCTS; PRODUCTION OF CHEMICAL, RUBBER, LEATHER, CLAY, BONE, PAPER, PULP, PLASTIC, STONE, OR GLASS MATERIALS OR PRODUCTS, PRODUCTION OR FABRICATION OF METALS OR METAL PRODUCTS INCLUDING ENAMELING AND GALVANIZING, SAWMILL; BULK STORAGE OF FLAMMABLE LIQUIDS; COMMERCIAL FEED LOT; CONCRETE BATCHING AND ASPHALT PROCESSING AND MANUFACTURE; WRECKING, JUNK OR SALVAGE YARD; BOTTLING PLANT; OR ANY SIMILAR USE.

~~(H)~~(G)**RESEARCH AND DEVELOPMENT**

A FACILITY FOCUSED PRIMARILY ON THE RESEARCH AND DEVELOPMENT OF NEW PRODUCTS. RESEARCH AND DEVELOPMENT SHALL INCLUDE: OFFICES, AND OTHER FACILITIES USED FOR RESEARCH AND DEVELOPMENT BY OR FOR ANY INDIVIDUAL, ORGANIZATION, OR CONCERN, WHETHER PUBLIC OR PRIVATE; PROTOTYPE PRODUCTION FACILITIES THAT MANUFACTURE A LIMITED AMOUNT OF A PRODUCT IN ORDER TO FULLY INVESTIGATE THE MERITS OF SUCH A PRODUCT; PILOT PLANTS USED TO TEST MANUFACTURING PROCESSES PLANNED FOR USE IN PRODUCTION ELSEWHERE; PRODUCTION FACILITIES AND OPERATIONS WITH A HIGH DEGREE OF SCIENTIFIC INPUT; FACILITIES AND OPERATIONS IN WHICH THE INPUT OF SCIENCE, TECHNOLOGY, RESEARCH, AND OTHER FORMS OF CONCEPTS OR IDEAS CONSTITUTE A MAJOR ELEMENT OF THE VALUE ADDED BY MANUFACTURE PER UNIT OF PRODUCT.

~~(I)~~(H) **WAREHOUSE AND FREIGHT MOVEMENT**

A FACILITY INVOLVED IN THE STORAGE OR MOVEMENT OF GOODS FOR THEMSELVES OR OTHER FIRMS. GOODS ARE DELIVERED TO OTHER FIRMS OR THE FINAL CONSUMER WITH LITTLE ON-SITE SALES ACTIVITY TO CUSTOMERS. WAREHOUSE AND FREIGHT MOVEMENT SHALL INCLUDE THE FOLLOWING: BULK STORAGE, INCLUDING NONFLAMMABLE LIQUIDS, FEED AND GRAIN STORAGE; COLD STORAGE PLANTS, INCLUDING FROZEN FOOD LOCKERS; HOUSEHOLD MOVING AND GENERAL FREIGHT STORAGE; SEPARATE WAREHOUSE USED BY RETAIL STORE SUCH AS FURNITURE OR APPLIANCE STORE; BUS BARN; PARCEL SERVICES, MAIL ORDER FACILITY; STOCKPILING OF SAND, GRAVEL, OR OTHER AGGREGATE MATERIALS; TRANSFER AND STORAGE BUSINESS WHERE THERE ARE NO INDIVIDUAL STORAGE AREAS OR WHERE EMPLOYEES ARE THE PRIMARY MOVERS OF THE GOODS TO BE STORED OR TRANSFERRED; OR ANY SIMILAR USE.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

§ 155.307 UTILITIES USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) **RECYCLING CENTER**

A permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.

(1) To ensure compatibility with surrounding uses, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed.

(B) **RENEWABLE ENERGY FACILITY**

A facility that generates renewable energy from sources such as solar, wind, or other systems with a principal use of producing electric, thermal power, or mechanical power.

(C) **TELECOMMUNICATION FACILITY**

Any tower, site, building, structure, or other facility whose principal use is to facilitate transmissions for AM/FM radio, television, microwave, and cellular telephone transmission towers, antennae, and accessory equipment and buildings. Specific standards for communication towers are set forth in § 155.310.

(D) **UTILITY, MAJOR**

A large-scale utility such as a water or wastewater treatment plant, water tower, electrical generation plant, or transmission facility or any similar use.

(E) **UTILITY, MINOR**

All utility facilities not considered major, including, but not limited to neighborhood-serving facilities such as pump stations, telephone exchanges, lift stations, and stormwater detention facilities, or any similar use.

(F) **WASTE SERVICE**

A facility that generally receives solid or liquid wastes from others for transfer to another location, collects sanitary waste or manufactures a product from the composting of organic material. Waste-related service shall include the following: animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; or any similar use.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.308 ACCESSORY STRUCTURES AND USES.

(A) **GENERAL**

Accessory structures and uses shall be consistent with all standards in the district for the principal use, except as expressly set forth below. Additional design considerations may be outlined in the Clayton General Design Guidelines.

(1) Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal uses. An accessory use shall only be allowed when a principal use exists.

(2) Accessory structures and uses shall be located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership.

(3) Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.

(4) Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.

(5) An accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served.

(6) An accessory use shall be located within the same district as the principal use.

(7) Tractor trailers are prohibited as storage buildings or structures except as permitted on an active construction site.

(B) **ACCESSORY STRUCTURES**

Accessory structures, not including accessory dwelling units (see (C)(1) of this section) or in-ground pools, shall be subject to the following requirements:

(1) **Zoning Permit Required**

It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of an accessory structure, until the Planning Department has issued a zoning permit for such work (see § 155.709).

(2) **Setbacks**

(a) No accessory structure shall be located closer than ten feet to any other building or manufactured home.

(a) No accessory structure shall extend in front of the front line of the principal structure, except in the B-1 zoning district~~District,~~ where the Board of Adjustment may approve a

~~conditional use permit~~ Conditional Use Permit for an accessory use or structure to be placed in any yard other than the rear yard.

(b) No accessory structure may extend within five feet of any lot line in R-6 and R-8 Districts, and within ten feet in all other zoning districts. No accessory structure shall be located within 20 feet of any street right-of-way.

(3) **Height**

The height of an accessory structure shall not exceed the height of the principal structure or 25 feet, whichever is lesser, unless approved as a ~~conditional use~~Conditional Use Permit by the Board of Adjustment, as provided in § 155.710.

(4) **Number**

(a) ~~No more than one accessory structure shall~~Up to two accessory structures may be permitted on the same lot, subject to meeting the criteria elsewhere in this section. ~~as any primary structure in R-6, R-8, and R-10 Residential Districts, and no more than two accessory structures shall be permitted on the same lot as any primary structure in all other zoning districts.~~

(b) No more than one shed is permitted in the R-6 and R-8 zoning districts.

(c) Two or more accessory structures may not be joined together by adding a roofline, such as a breezeway or covered walkway, to give the appearance of a lesser number of structures.

(5) **Size**

(a) An accessory structure may not exceed the gross floor area of the primary structure on the site. This restriction does not apply to in-ground pools.

(6) **Architectural consistency**

(a) On non-residential or mixed use sites, the architecture of accessory structures shall be consistent with the primary structure.

(C) **ACCESSORY USES IN RESIDENTIAL DISTRICTS**

(1) **Accessory Dwelling Units**

One accessory dwelling shall be permitted as a conditional use by the Board of Adjustment (see § 155.710) subject to their approval and the following requirements:

(a) The living area of the accessory dwelling shall not exceed the living area of the principal structure. In no case shall the total floor area of the accessory dwelling unit exceed 600 square feet.

(b) The accessory dwelling shall not have a separate electrical meter.

(c) The owner of the property shall occupy either the primary structure or the accessory dwelling.

(d) The principal dwelling and accessory dwelling unit together shall not exceed the maximum building coverage and impervious surface requirements for the district.

(e) All principal structure setbacks and yard requirements shall be met.

(f) One additional parking space on the same premises shall be required for the accessory dwelling unit.

(g) A subdivision with accessory dwelling units shall not exceed the maximum district density requirements, counting all principal dwelling units and any accessory dwelling units.

(h) An accessory dwelling shall either be located within the principal structure; or meet the following standards:

1. The accessory dwelling shall be located on the same lot as the principal structure.

2. The accessory dwelling shall be separated by at least ten feet from the principal structure.

3. The accessory dwelling shall be located in the rear or side yard of the principal structure. The rear and side setback shall be equal to those of all accessory structures.

4. Total building coverage and impervious surface area shall not exceed that permitted in the district.

5. The height of a principal structure shall not be exceeded by any accessory dwelling.

6. The accessory dwelling unit shall be architecturally consistent with the principal structure.

(2) **Home Occupations**

(a) ***Prohibited Home Occupations***

The following uses are not permitted as home occupations:

1. Vehicle and/or body and fender repair.

2. Outdoor repair or outdoor storage.

3. Commercial nursery or truck farming.

4. Food handling, processing or packing, other than services that utilize standard home kitchen equipment.

5. Medical or dental lab.

6. Restaurant.

7. Sale or repair of firearms.

8. Bulk storage of flammable liquids.

9. Funeral homes and mortuaries.

10. Animal hospitals and kennels.

(b) ***Class A Home Occupations***

The intent of a Class A Home Occupation is to permit very limited activities in a residential dwelling, provided such activities do not impact or detract from the residential character of the neighborhood. A Class A Home Occupation shall be deemed an accessory use and no further approval shall be required, provided the use meets the standards of this chapter.

1. The use of the dwelling unit for Class A Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.

2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation.

3. No business, storage or warehousing of material, supplies or equipment shall be permitted outside of the primary dwelling unit.

4. No equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

5. No display of products shall be visible from the street.

6. A Class A Home Occupation shall be subject to all applicable licenses and business taxes.

7. No persons other than members of the family residing on the premises shall be engaged in the home occupation.

8. Storage space and the operation of the business inside the dwelling unit shall not exceed 25% of the first floor area of the residence.

9. Customers and employees coming to the residence to conduct business shall not be permitted.

10. No signage shall be permitted.

(c) ***Class B Home Occupations***

A Class B Home Occupations is a business, profession, occupation or trade conducted for gain or support within a residential dwelling or its accessory buildings that requires employees, customers, clients or patrons to visit the home. A Class B Home Occupation shall be permitted as a conditional use provided that the Board of Adjustment shall determine in its judgment that:

1. It is carried on by a person residing on the premises and employs no more than two employees not living on the premises.

2. No more than 20% of the total actual floor area of the dwelling shall be in the conduct of the home occupation.

3. No more than two vehicles are used in the conduct of the home occupation, and such vehicles are parked off the street.

4. No merchandise or commodity is sold on the premises, except what is incidental to the home occupation.

5. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.

6. No expansion shall be permitted outside the principal structure that houses the home occupation, except that which is necessary to house vehicles used in the conduct of home occupation.

7. It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

8. The use will not create undue traffic congestion or create a traffic hazard.

9. Advertising signs shall be limited to one unlighted wall sign no larger than three square feet in area, attached to the structure housing the home occupation, or one yard sign of the same size not to exceed three feet in height.

(3) **Swimming Pools**

When allowed, in-ground and ~~above~~ above-ground swimming pools that have a water depth over 24 inches and or have a surface area of at least 100 square feet shall be subject to the

following requirements (see Chapter 154, Swimming Pools, of the Town Code of Ordinances for additional standards).

(a) ***Private Pools***

Private swimming pools (including any associated~~as well as the~~ decking, pool house, pool chemical storage shed, or ~~and~~ equipment associated with the pool) on single-family detached, zero lot lines, alley-loaded, and two-family lots shall not be located in the street yard and shall not be closer than five feet to ~~the~~ any property line.

(b) **Outdoor Community Pools, Private Club Pools, or Pools in Multi-Family Complexes**

1. Outdoor pools (including any associated decking, pool house, pool chemical storage shed, or equipment associated with the pool) shall be located at least 50 feet from any property line adjacent to a residential district or use, and at least 25 feet from any property line adjacent to any other district or use.

2. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement ~~may be~~is waived if a permit has been issued for a special event.

(4) **Vehicle Repair**

Up to two vehicles may be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence.

(5) **Vehicle Sales**

Vehicle sales shall be prohibited within a residential district or on property devoted to residential use, except that the sale of a private vehicle registered to the occupant of the residence shall be allowed. No more than one such vehicle shall be displayed at a time.

(D) **ACCESSORY USES IN NONRESIDENTIAL DISTRICTS**

(1) **Drive-Thru (aka Drive-Through)**

Drive-thru facilities shall be subject to the following requirements:

(a) A drive-thru shall only be permitted in conjunction with a permitted nonresidential use.

(b) Drive-thru windows and lanes shall be screened in accordance with § 155.402(G).

(2) **Food Truck**

~~A food truck is a mobile food service establishment that prepares and serves food and/or beverages for sale to the general public on a recurring basis from a truck, vehicle-mounted, or vehicle-towed piece of equipment designed to be readily moved.~~

(a) ***Permits Required***

1. ~~Prior to the issuance of a Zoning Compliance Permit, f~~Food truck vendors must provide documentation of approval from the Health Department of the County in which the food truck's associated restaurant or commissary is located.

~~2. The food truck vendor must apply to the Town of Clayton Planning Department for a Zoning Compliance Permit. The Planning Department will verify that the proposed location meets the requirements of this Section and other applicable provisions of the Unified Development Code.~~

~~3. The food truck vendor must obtain an annual Zoning Compliance Permit and Privilege License from the Town.~~

~~4.~~2. The ~~Zoning Compliance Permit, Privilege License and~~ County Health Permit must be displayed during hours of operation.

~~5. The Zoning Compliance Permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this Section.~~

~~6.~~3. ~~The Town Manager reserves the right to temporarily suspend food truck permits during times of special events in the downtown area.~~

~~(b)~~ ~~***Exemptions***~~

~~1. This Section shall not apply to food truck with applicable valid Health Department permits vending at any market, festival, or event authorized by the Town.~~

~~2. Food trucks with applicable valid Health Department permits may temporarily locate within an active construction site to serve construction workers.~~

~~(c)~~(b) ***Public Safety***

1. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.

2. Grease and wastewater must be contained and disposed of in an approved grease receptacle located at the associated restaurant or commissary.

3. If the food truck is operating after dark, the food truck vendor shall provide appropriate lighting.

4. A food truck vendor shall not operate the food truck as a drive-in window.

5. The Planning Director may engage in zoning enforcement or ~~revoke the Zoning Compliance Permit if it is determined that the~~ prohibit/suspend a food truck

vendor's operations if are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or ~~that~~ such use is otherwise creating a danger to the public health or safety.

~~(d)~~(c) ***General Location Requirements***

1. Food trucks must be located on private property with written permission from property owner.

2. Food trucks shall be positioned at least 400 feet from the customer entrance of an existing restaurant during hours of operation, unless the vendor provides documentation that the restaurant owner supports a closer proximity.

3. Food trucks shall not block parking spaces, drive aisles, access to loading/service areas, or emergency access and fire lanes. Food truck vending must also be positioned at least 15 feet away from fire hydrants, any fire department connection, and driveway entrances~~, tree trunks, and vegetation~~.

4. No more than two food trucks are permitted as an accessory use, unless associated with an event exempted under § 155.308(D)(2)(b).

~~(e)~~(d) ***Hours of Operation***

Food trucks must cease operations between the hours of 12 a.m. and 7 a.m., and are not permitted to remain on site overnight.

~~(f)~~(e) ***Signage***

No signage shall be allowed other than signs permanently attached to the motor vehicle. An easel sign no more than 12 square feet per sign face in display area may be placed within the customer waiting area.

(3) **Swimming Pools**

(a) Outdoor pools shall meet the standards of Chapter 154, Swimming Pools, of the Town Code of Ordinances.

(b) Outdoor pools including decking shall be located at least 50 feet from any property line adjacent to a residential district or use, and at least 25 feet from any property line adjacent to any other district or use.

(c) When the pool is adjacent to residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement may be waived if a permit has been issued for a special event.

(E) **ACCESSORY USES FOR PLACES OF WORSHIP**

Accessory uses are permitted for a place of worship in accordance with the following standards.

(1) The following facilities may be considered accessory to a place of worship. Additional buffering may be required through the review and approval of a site plan to address the intensity of the proposed place of worship and the proposed accessory uses.

(a) Offices for the place of worship;

(b) Rooms for religious instruction or counseling;

(c) Meeting rooms for intermittent community meetings or instruction;

(d) Fellowship hall;

(e) Kitchen facilities;

(f) Senior center, neighborhood arts center or other community center;

(g) Temporary child care during religious services or events;

(h) Outdoor play area;

(i) Columbarium;

(j) "Meals on Wheels" or other similar programs using the kitchen in the place of worship but delivering food elsewhere; and

(k) Residence for clergy employed by the place of worship.

(2) The following accessory uses are subject to approval of a major site plan by the Planning Board (see § 155.707).

(a) Gymnasium or similar indoor recreational facility;

(b) Cemetery;

(c) Overnight accommodation for visiting clergy and non-paying guests of clergy employed by the place of worship;

(d) Child care center;

(e) School;

(f) Soup kitchen or other social service facility; and

(g) Athletic field or similar facility.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

§ 155.311 OUTDOOR DINING, DISPLAY AND STORAGE

(A) **APPLICABILITY**

(1) Any dining area, merchandise, material or equipment stored outside of a fully-enclosed building shall be subject to the requirements of this Section.

(2) Outdoor sales and display areas, including vehicle sales, vehicle repair or car rental as part of a properly permitted use (including boats and manufactured housing) shall not be considered outdoor storage as defined in § 155.311(D) and shall be subject to the buffer requirements set forth in § 155.402 of this Chapter.

(B) **OUTDOOR DINING**

(1) Outdoor dining shall be defined as the placement of tables and chairs for dining outside of a permanent structure.

(2) **General Requirements**

Outdoor dining shall ~~only~~ be permitted with a zoning compliance permit for 8 or fewer seats. More than 8 seats is subject to ~~following review of~~ a minor site plan, or as a component of a major site plan in accordance with § 155.707, illustrating the extent of the outdoor dining area, the maximum seating capacity, and subject to the standards below. The impact of outdoor dining areas on adjacent churches, hospitals, public schools, and residential uses shall be mitigated to minimize potential impacts related to glare, light, loitering, and noise.

(a) Patron tables and other outdoor dining area components shall be clearly defined and located on the same site as the other facilities of the restaurant or on the adjacent public right-of-way. Separation between the seating and vehicular or pedestrian traffic by a physical barrier may be required, with the design to be approved by the Planning Director.

1. Separation may be achieved through the use of materials which include, but are not limited to landscape planters, walls, railings or a combination thereof. Only barriers composed of landscape planters or masonry walls may be solid.

(b) The additional parking necessary to accommodate seating created in the outdoor dining area shall comply with the parking requirements set forth in § 155.402 of this Chapter.

(c) Outdoor dining areas and associated structural elements, such as awnings, covers, umbrellas, or other physical elements shall be compatible with the overall design of the main structure and must maintain a height clearance of eight feet and meet ADA accessibility requirements. Dining equipment (including, but not limited to tables, chairs, space heaters, barriers) may remain in place.

(d) The Town may revoke the outdoor dining area if it is determined that its operation is causing litter problems either on or off the property where the dining is located or that such use is otherwise creating a danger to the public health or safety.

(3) **Outdoor Dining Within Public Rights-of-Way**

In addition to the requirements set forth in § 155.311(B)(2) above, if any portion of the outdoor dining area is to be located within a public right-of-way (sidewalks only), the dining area must also receive approval from the Town Manager or his designee, and agree to following stipulations:

(b) Outdoor dining within right-of-way owned and operated by the State of North Carolina, must also meet the requirements of G.S. 136-27.4 listed below.

1. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.

2. Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.

3. Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

4. The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.

5. The restaurant operator shall provide evidence of adequate liability insurance specified by the Town under G.S. 160A-485 as the limit of the Town's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name NCDOT and the Town as additional insured on any policies covering the business and the sidewalk activities.

6. The restaurant operator shall provide an agreement to indemnify and hold harmless NCDOT and the Town from any claim resulting from the operation of sidewalk dining activities.

7. The restaurant operator shall provide a copy of all permits and licenses issued by the State, County or Town, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for

the permit if no permit has been issued. This requirement includes any permits or certificates issued by the Town for exterior alterations or improvements to the restaurant.

8. The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the Town, its agents or employees, or by any other governmental entity or public utility.

9. Any other requirements deemed necessary by the NCDOT, either for a particular Town or a particular component of the State highway system.

(b) The Town reserves the right to terminate the use of outdoor dining within the public right-of-way at any time. Upon notice, all furnishings must be removed from the sidewalk within 24 hours of notice from the Town. If furnishings are not removed within the time specified, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situations. The Town is not responsible for damage to the furnishings under any circumstances.

(c) The owner of the business utilizing a dining area within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from outdoor dining furnishings.

(C) **OUTDOOR DISPLAY AND SALES**

(1) Outdoor display and sales shall be generally defined as the display and sales of goods, wares or merchandise outside of a permanent structure on property owned or leased by the person, firm or corporation. Outdoor display and sales must be secondary and incidental to the principal use or structure on the property, unless authorized pursuant to § 155.309, Temporary Use.

(a) Outdoor display and sale areas greater than 50 square feet shall only be permitted following Planning Director review of a minor site plan in accordance with § 155.707, illustrating the extent of the permitted area for outdoor display and sales subject to the standards below. Outdoor display and sale areas 50 square feet or less do not require site plan approval, but are subject to the standards below.

(b) The location of outdoor merchandise must be on the same property ~~or within the right-of-way adjacent to~~as the principal use, and not within the right-of-way, except that in the B-1 zoning district it may be displayed in the right-of-way, provided that clearance requirements are maintained for pedestrian passage.

(c) Merchandise shall be displayed to allow pedestrians use of the adjacent sidewalk or parking areas, and shall meet ADA accessibility requirements.

2. Any merchant desiring to display and sell merchandise along a public sidewalk or right-of-way must also receive approval from the Town Manager or his designee, and agree to following stipulations:

   A. Merchandise must be removed from the sidewalk within 24 hours of notice from the Town. If such items are not removed following notice, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situation. The Town is not responsible for damage to the merchandise under any circumstances.

   C. The owner of the business displaying or selling merchandise within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from the display of merchandise.

   D. Merchandise must be removed from the sidewalk when the business is closed.

(D) **OUTDOOR STORAGE**

(1) **Limited Outdoor Storage**

(a) Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles (not associated with outdoor sales and display including vehicle sales, vehicle repair or car rental), merchandise or material in boxes, crates, on pallets or other kinds of containers, shopping carts, or other similar merchandise, material or equipment.

(b) Limited outdoor storage shall only be permitted following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.

1. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100% opaque visual barrier or screen.

2. All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.

3. Limited outdoor storage shall not be permitted in a street yard or otherwise forward of the front building line.

(2) **General Outdoor Storage**

(a) General outdoor storage shall be defined as salvage yards, vehicle junk yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.

(b) General outdoor storage shall only be permitted in the I-1 and I-2 Districts following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.

1. General outdoor storage shall screened by 100% opaque, eight foot high visual barrier or screen. When ~~except where~~ located abutting or across the street from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view.

2. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.

3. No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.

4. General outdoor storage may be located in the side or rear yard.

(Ord. 2013-10-02, passed 10-7-13)

ARTICLE 8

§ 155.802 DEFINED TERMS

Abutting
A property that directly touches another piece of property.

Accessory Structure
A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. A subordinate dwelling unit, garage, carport or storage shed are all examples of accessory structures.

Acreage, Gross
Land area with streets, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission lines not included in its measurement.

Acreage, Net
Land area excluding streets, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission lines not included in its measurement.

Adjacent
Property abutting directly on the boundary of, touching, or sharing a common point.

Alley
A public or private vehicular way providing service access along rear or side property lines of lots which are also served by one of the other listed street types.

Alteration
Any change, addition, or modification in construction or occupancy of an existing structure.

Antenna
A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, internet, microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the Town's siting, building and permitting authority.

Applicant
Any person, firm, or corporation requesting approval of any land-use, development, or improvement application, or similar entitlement regulated by the municipal code.

Approval Authority
The Town Council, Planning Board, Board of Adjustment or other board or official designated by ordinance or this chapter as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

Best Management Practices (BMP)
A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer
Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light, or other nuisance.

Buffer, Stream
An area of natural or planted vegetation surrounding and running parallel to a stream or waterway through which stormwater runoff flows in a diffuse manner so that the runoff does not form a channel, and which provides for infiltration of the runoff and filtering of pollutants.

Building
Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property.

Building Coverage
The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than three feet.

Building Separation
The required separation between any two buildings.

Caliper
The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.

Clearance
The shortest distance between two objects that must be maintained clear and free from obstructions or another specific identified object(s).

Co-Location
The use of a wireless telecommunication support facilities by more than one wireless telecommunication provider for the provision of wireless services without increasing the height of the tower or structure.

Conditional Use
A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

Condominium

A building, group of buildings, or portion thereof, in which units are owned individually, and the structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis. For the purposes of development and use regulation, condominiums are treated as apartments.

Construction
On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earthmoving, blasting and landscaping.

Crosswalk
A public pedestrian right-of-way which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Cul-De-Sac (Commercial, Residential)
A short, street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

Dedication
The transfer of ownership without payment or other interest in real property from a private entity to a public agency.

Density
The number of dwelling units permitted per acre of land.

Development
The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, mining excavation, landfill, land disturbance; and any use or extension of the use of land.

Driveway
A private roadway located on a parcel or lot used for vehicle access.

Dwelling Unit
One or more habitable rooms which are occupied, or which are intended or designed to be occupied as a residence by one family, with facilities for living, sleeping, cooking, and dining.

Easement
A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Extraterritorial Jurisdiction (ETJ)
An area outside the Town of Clayton's town limit delineated on the Official Zoning District Map. Pursuant to the North Carolina General Statues, the Town enforces the following regulations within the ETJ: zoning ordinance; subdivision regulations and the North Carolina State Building Code.

Fence

An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Floor Area, Gross
The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment, and enclosed porches. Gross Floor Area also includes all outside storage areas.

Flood Fringe Area
That area of the floodplain lying outside the floodway but still lying within the area of special flood hazard, that is, within the 100-year floodplain.

Floodplain
Any land area susceptible to being inundated by water from any source.

Floodway
The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without a significant increase in the base flood elevation.

Food Truck
A food truck is a mobile food service establishment that prepares and serves food and/or beverages for sale to the general public on a recurring basis from a truck, vehicle-mounted, or vehicle-towed piece of equipment designed to be readily moved.

Frontage, Building
The straight-line length of any building or store which fronts upon a public street, a customer parking area, or pedestrian mall and which has one or more entrances to the main part of the building or store. If specified, this may also apply to the equivalent distance on another lot line, such as side.

Frontage, Lot
The distance for which the front boundary line of the lot and the street line are coincident. If specified, this may also apply to the equivalent distance on another lot line, such as side.

Frontage, Street
See “Lot Frontage”. Not to be confused with “Frontage Road”, which is a type of physical street occurring near a thoroughfare.

Greenway
A linear, multi-use (pedestrian, bicycle) trail, generally with a finished surface of asphalt or concrete, providing passive and active recreational opportunities. Greenways are typically built to the Town’s specification (“Typical Bikeway / Greenway Pavement Section”, Detail # 401.03), with a minimum width of 10’, with 2’ of clear, graded natural surface on each side. Occasionally, greenways will be built to a lesser width and/or with alternative materials, such as gravel, stone dust, lime rock, packed clay, rubber, pervious pavement, or mulch.

Ground Cover
Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

Hazardous Material
Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Home Occupation
An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

Household
A domestic establishment including a member or members of a family or others living under the same roof.

Impervious Surface
Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

Infrastructure
Streets, water lines, sewers lines and other public facilities necessary to the functioning of a community.

Junk
Any scrap, waste, worn out, discarded material or debris collected or stored for destruction, disposal or some other use.

Land Disturbing Activity
Any use of land in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin, and is deposited elsewhere.

Landscape Plan
A plan associated with a subdivision, land development, or parking facility plan indicating the placement of landscape materials, including specifications, species, quantities, and method of installation.

Landscaping
The area within the boundaries of a given a lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Livestock

Grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, riding and draft horses, hogs, sheep, goats, miniature horses, llamas, and alpacas.

Loading, Off-Street
An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, materials and merchandise.

Local Street Network
System of local streets that include commercial streets, collector streets, residential collectors, cul-de-sacs, and alleys.

Lot
A portion of a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development or both.

Lot Area
The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.

Lot, Corner
A lot having at least two adjacent sides that abut for their full length upon streets. Both such lot lines shall be considered front lot lines.

Lot, Double Frontage
A continuous or through lot of the same depth as the width of a block, and which is accessible from both of the streets upon which it fronts.

Lot, Flag
A lot that has access to a public right-of-way by means of a narrow strip of land.

Lot of Record
A lot which is part of a subdivision recorded in the Office of the Register of Deeds of Johnston County or Wake County, as appropriate, or a lot described by metes and bounds, the description of which has been so recorded.

Lot Width
Parcel or lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the rear edge of the street yard along a straight line parallel to the front of the property line or along the chord of the front property line.

Multi-Family Residential
A building or portion thereof containing 3 or more dwelling units, including condominiums, apartments, and townhomes with shared parking, with varying arrangements of entrances and party walls.

Net Acreage, Net Gross

Land area with streets, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission lines not included in its measurement.

Nonconformity
A condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district.

Nonconforming Lot of Record
A recorded lot described by a plat or a deed that does not meet the minimum lot size or other development requirements.

Outdoor Storage The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours.

Outparcel
An area located within a non-residential development that may share common parking and circulation areas with other buildings or parcels, but is usually situated as its own parcel and is separated from anchor buildings by parking and circulation areas.

Owner
Any person having charge of any real property according to the records held by the Register of Deeds.

Parcel
A continuous plot of recorded land in the possession of or owned by any individual or group of individuals.

Parking Lot
An off-street area used for the storage of motor vehicles on a temporary, daily, or overnight basis.

Parking Space
An off-street area designed to accommodate the parking of one vehicle.

Pervious Surface Coverage
Ground treatments which will allow the infiltration of water, air and nutrients to root systems of adjacent plant material which lie directly under the ground treatment.

Planting Area
The area within the boundaries of a given a lot consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Plat
A map or plan of a parcel of land which is to be or which has been subdivided.

Resource Conservation Area
An area set aside for the conservation of natural, archeological or historic resources.

Right-of-Way
An area or strip of land, either public or private, on which an irrevocable right-of- passage has been recorded for the use of vehicles or pedestrians or both.

Road
See "Street".

Frontage Road
A street, parallel and adjacent to a major or minor thoroughfare, which provides access to abutting properties, protection from through traffic, and control of access to the major or minor thoroughfare. Not to be confused with "Street Frontage", which is a measurement of distance.

Screening
A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Setback
A line delineating the minimum allowable distance between the property line or right-of-way line and a building on a lot, within which no building, significant development, or other structure shall be placed except as otherwise provided. Wherever property lines and right-of-way lines both occur, the most restrictive setback distance on the lot shall prevail.

Sewer System, Public
An off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant

Sign
Exclusive of architectural features, any words, lettering, figures, numerals, emblems, devices, trademarks, , or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention or to convey a message.

Single Family Residential
A single detached dwelling unit located on a single lot with private yards on all four sides. See also "**Single Family Detached House", in §155.301(D)**.

Site
A continuous plot of land to be developed as a single project. A site may contain multiple parcel or lots.

Site Area
Site area shall be the total land area of the proposed development. A site may include multiple parcels or lots.

Site Area, Net
Net site area shall mean the total gross area of the parcel, minus any resource conservation areas.

Site Plan
A plan, to scale, showing uses and structure proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserve open space, buildings, landscape features-both natural and manmade.

Special Use
A use that meets the intent and purpose of the zoning district but which requires the review and approval by Town Council to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated are mitigated.

Special Use Permit A permit issued for a special use following review and approval by Town Council after consideration and mitigation of potential impacts or incompatibility with adjacent uses.

State
The State of North Carolina.

Stream
A body of concentrated flowing water in a natural low area or natural channel on the land surface.

Stream Buffer
~~A natural or vegetated area adjacent to a stream through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for the infiltration of runoff and filtering of pollutants.~~See **Buffer, Stream.**

Stream, Intermittent
A watercourse that collects surface runoff and is shown as a dashed blue line on the most recent United States Geologic Survey (USGS) 7½-minute quadrangle topographic maps, is shown as an intermittent stream on the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as an intermittent stream on the Natural Resource Conservation Service (NRCS) maps.

Stream, Perennial
A watercourse that collects surface runoff and is shown as a solid blue line on the most recent USGS 7½-minute quadrangle topographic maps, is shown as a perennial stream on maps in the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as a perennial stream on the Natural Resource Conservation Service (NRCS) maps.

Street, Collector
A street whose principal function is to carry traffic between residential collectors, residential streets, cul-de-sacs and major and minor thoroughfares, but that may also provide direct access to abutting properties. It is designed to carry more than 3,500 but less than 6,000 trips per day. Typically, a collector is able to serve, directly or indirectly, between 350 and 600 dwelling units.

Street, Commercial
A multi-lane, street connecting to major or minor thoroughfares designed to accommodate large volumes (in excess of 6,000 trips per day) of traffic at moderate speeds while also providing, as a major part of its function, direct access to nonresidential or mixed use high trip generating land uses.

Street, Private
Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public.

Street, Public
A dedicated and accepted public right-of-way for vehicular traffic and access to abutting property.

Street, Residential
A street whose principal function is to provide access to adjacent properties.

Street, Residential Collector
A street which serves as a connector street between residential streets, cul-de-sacs and major and minor thoroughfares. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

Thoroughfare, Major
Major streets, excluding freeways but not excluding limited access facilities that provide for the expeditious movement of large volumes of traffic within and through the urban area. A street serving the principal network for high volumes of traffic or high speed traffic as shown on the town's Transportation Plan. This street type consists of at least two travel lanes in each direction. A major thoroughfare shall be designated where the anticipated average daily volume exceeds 10,000 vehicles.

Thoroughfare, Minor
Streets that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Such streets may be used to supplement the major thoroughfare system by facilitating minor through movements and may also serve abutting property. A street designed primarily to collect and distribute traffic between the local street network and major thoroughfares as shown on the town's Transportation Plan. This street type generally consists of more than one travel lane in each direction. A minor thoroughfare shall be designated where the anticipated average daily volume ranges exceeds 6,000 vehicles.

Town
The Town of Clayton, North Carolina.

Transportation Plan
A map approved by the Town Council that indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation.

Unified Development Code
Chapter 155 of the Town Code of Ordinances, as adopted by Town Council.

Variance
Permission which is granted by the Board of Adjustment to deviate from zoning requirements when strict enforcement of certain provisions of the Unified Development Code would cause undue hardship because of circumstances unique to the individual property for which the variance is granted. Only the Board of Adjustment can do this after specific findings of fact.

Waiver
Permission which is granted by Town Council or a part of a Planned Development Approval to deviate from specific provisions of the Unified Development Code if mitigating circumstances are justified.

Water Supply, Public
A publically owned system of pipes, structures and facilities through which a water supply is obtained, treated, sold and distributed for human consumption or household use.

Watershed
All of the land area draining to a particular point on a water course or to a water body.

Yard, Front, (also known as Street Yard)
An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the front line of the lot. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

Yard, Rear
An open space on the same lot with a main building, unoccupied except as hereinafter permitted, extending the full width of lot and situated between the rear line of lot and the rear line of the building.

Yard, Side (Street), (also known as Street Side Yard)
The area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.

Yard, Side (Interior), (also known as Interior Yard)
A side yard located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Zoning District
A part, zone, or geographic area within the Town or its Extraterritorial Jurisdiction (ETJ) where certain zoning and development regulations apply.

Zoning Vested Right
A right pursuant to G.S. § 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2009-08-01, passed 8-3-09; Am. Ord. 2016-04-04, adopted 04-04-2016)

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on Monday, April 3, 2017, at 6:30 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider amendments to the Unified Development Code. Copies of the proposed amendments are available in the Planning office and the Town Clerk's office for review by the public. The following sections of Title XV, Chapter 155 are proposed for amendment:

- **103- Effective Date**
- **104- Jurisdiction**
- **106- Application of Regulations**
- **108- Compliance with Plans**
- **109- Transitional Provisions**
- **200- Districts Established**
- **202- Use Regulations**
- **300- Use Interpretations**
- **301- Residential Use Standards**
- **303- Recreational Use Standards**
- **305- Commercial Use Standards**
- **306- Industrial Use Standards**
- **308- Accessory Structures and Uses**
- **311- Outdoor Dining, Display, and Storage**
- **802- Defined Terms**

The public is invited to attend.

Jay McLeod, Planner
919-553-5002

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Clayton News Star

Please advertise on the following dates:

Wednesday, March 22, 2017
Wednesday, March 29, 2017

Affidavit of publication required.

Town Council Agenda Cover Sheet

Meeting Date

March 20, 2017

Agenda Location

Items Scheduled for the Regular Meeting

Item Title

Notice of NCEMPA Wholesale Rate Change

Presenter (Name & Title)

Dale Medlin, Electric System Director

Summary/Description

Awareness of Wholesale Rate Reduction

Requested Action

None - Informational Only

Additional Documents To Be Included in Agenda Packet

30 Day Notice
2015 Report
New Electric Wholesale Rate Reduction

ELECTRICITIES
of NORTH CAROLINA, INC.

TO: North Carolina Eastern Municipal Power Agency Number
Board of Commissioners and Alternates

FROM: Kathy L. Moyer KLM
Vice President, Operations

DATE: February 24, 2017

SUBJECT: **30-DAY NOTICE OF NCEMPA WHOLESALE RATE CHANGE**

The Board of Directors adopted, at its meeting on February 24, 2017, the following changes to NCEMPA's wholesale power service rates based on the recommendations of the NCEMPA Rate Committee and the NCEMPA Board of Commissioners:

1. A 4.5% reduction to Full Requirements rate effective April 1, 2017 through Full Requirements Bulk Power Supply Schedule FR-2;
2. A revision of Rider No. 7 to Rider No. 7A, Power Agency Services, effective April 1, 2017;
3. The implementation of Rider No. 7B, Renewable Energy and Energy Efficiency Portfolio Standards ("REPS") Charge, effective April 1, 2017.

These changes were reviewed in detail by the NCEMPA Rate Committee at its meeting on January 18, 2017, and a summary of the information was presented to the NCEMPA Board of Commissioners at its January 25, 2017 meeting.

In accordance with the North Carolina General Statutes, Section 159B-10, the changes to the rate schedules adopted by the Board of Directors will become effective unless rejected within 30 days by the vote of 2/3 in number of the NCEMPA Board of Commissioners.

Thus, if the Board of Commissioners desires to reject the rates adopted by the Board of Directors, it must take action prior to **March 26, 2017**. If the Board of Commissioners takes no action, the rate schedule and riders adopted will become effective as noted.

Please contact me at (919)760-6225 if you wish to discuss further these wholesale rate changes as adopted by the Board of Directors.

The attachments include an explanation of these rate changes together with marked copies of the rate schedule and riders listed.

Attachments

cc: NCEMPA City Managers
NCEMPA Utility Directors
NCEMPA Finance Directors
Gary Brunault, GDS
Sr. Management Staff
ElectriCities Board of Directors

KM/kh/ts

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Raleigh, North Carolina 27604
www.electricities.com

The energy behind public power

North Carolina Eastern Municipal Power Agency
Wholesale Power Service Rate Changes
Approved by the ElectriCities Board of Directors on February 24, 2017

The Board of Directors adopted, at its meeting on February 24, 2017, the following changes to NCEMPA's wholesale power service rates based on the recommendations of the NCEMPA Rate Committee and the NCEMPA Board of Commissioners.

SUMMARY OF WHOLESALE POWER SERVICE RATE CHANGES:

1. A 4.5% reduction to Full Requirements rate effective April 1, 2017 through Full Requirements Bulk Power Supply Schedule FR-2;
2. A revision of Rider No. 7 to Rider No. 7A, Power Agency Services, effective April 1, 2017;
3. The implementation of Rider No. 7B, Renewable Energy and Energy Efficiency Portfolio Standards ("REPS") Charge, effective April 1, 2017.

Each item is described in more detail below:

4.5% FULL REQUIREMENTS RATE REDUCTION

The Rate Committee met on January 18, 2017 to review the updated five-year cost projections for NCEMPA that reflect lower energy rates from Duke Energy Progress (DEP) resulting from lower fuel costs on the DEP system. Due to the net effect of the updated cost projections and in light of current working capital levels, the Rate Committee recommends a 4.5% rate reduction effective April 1, 2017. This rate reduction is expected to reduce working capital levels over the next few years, but not drop below the target level. Beyond 2017, the rate path includes projected 3.0% rate increases in both 2020 and 2021 to re-align rate levels with costs and maintain target working capital levels.

RIDER NO. 7A, POWER AGENCY SERVICES CHARGE; AND
RIDER NO. 7B, RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARDS

Since July, 2015, Rider No. 7 (Power Agency Services Charge) included costs associated with Power Agency Services and compliance with REPS. The Rate Committee recommends breaking Rider No. 7 into two components: Rider No. 7A (Power Agency Services Charge), and Rider No. 7B (Renewable Energy and Energy Efficiency Portfolio Standards) to provide greater transparency of both costs. The total charges collected under Rider No. 7A and 7B is consistent with the total charges recovered under original Rider No. 7.

Effective: April 1, 2017~~July 1, 2015~~

NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY
MEMBER ELECTRIC RATE SCHEDULE

FULL REQUIREMENTS BULK POWER SUPPLY
SCHEDULE ~~FR-1~~FR-2

I. APPLICABILITY

Service under this Full Requirements Bulk Power Supply Rate Schedule is applicable to all Members as defined in the Full Requirements Power Sales Agreement between North Carolina Eastern Municipal Power Agency ("Power Agency") and its Members, dated as of April 24, 2015 (the "FRPSA"), and is subject to the provisions of the FRPSA and the Debt Service Support Contract between Power Agency and its Members, dated as of April 24, 2015 (the "DSSC"). This rate schedule, as supplemented and amended, is applicable for the sale of Full Requirements Bulk Power Supply, as defined in the FRPSA, for use and resale from existing facilities of adequate type and service. This rate schedule is applicable commencing with the billing month of ~~July, 2015~~April, 2017 to be billed in ~~August, 2015~~May, 2017~~ or upon close of the Asset Sale~~.

II. FULL REQUIREMENTS MONTHLY CHARGES

Full Requirements Monthly Charges shall consist of the following Demand Charge and Energy Charge:

Demand Charge:

$ ~~19.29~~ 18.74 per kW of Billing Demand

Energy Charge:

~~3.273~~ 3.029 ¢ per kWh of Billing Energy

III. DETERMINATION OF BILLING DEMAND AND BILLING ENERGY

A. Determination of Billing Demand

Billing Demand for each Member shall be the average kW measured at the Delivery Point, as such term is defined in the FRPSA, in the 60-minute interval during the current billing month, which is coincident with Duke Energy Progress's ("DEP") Monthly Peak Demand, as such term is defined in the Full Requirements Power Purchase Agreement between Power Agency and DEP, dated as of September 5, 2014 (the "FRPPA"), less any capacity allocation, in kW, from the Southeastern Power Administration ("SEPA") at such point of delivery, but not less than zero.

B. Determination of Billing Energy

Billing Energy shall be the total energy measured during the current billing month at the Delivery Point, in kWh, less any energy allocation, in kWh, from SEPA at such point of delivery, but not less than zero.

IV. GENERAL

Pursuant to the FRPSA and the DSSC, the Monthly Bill will include the Full Requirements Monthly Charges, specified above, and amounts calculated in accordance with the applicable Rider(s) to this Full Requirements Bulk Power Supply Rate Schedule, which are incorporated herein and made a part hereof. Nothing in this Full Requirements Bulk Power Supply Rate Schedule shall be construed to prevent Power Agency from reviewing and amending this Rate Schedule or the Riders hereto and the charges contained herein from time to time.

Effective: ~~July~~April 1, ~~2015~~2017

NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY
MEMBER ELECTRIC RATE SCHEDULE

POWER AGENCY SERVICES CHARGE
RIDER NO. ~~7~~7A

I. APPLICABILITY

This Rider is applicable to all Members.

II. POWER AGENCY SERVICES CHARGE

A monthly Power Agency Services Charge will be added to the Full Requirements Monthly Charges of each Member. The Power Agency Services Charge is based on Power Agency's annual administrative and general costs~~, its costs of purchased Renewable Energy Certificates,~~ and the costs of and associated with other activities and services that, from time to time, are approved by the Board of Directors and undertaken and operated by Power Agency for the benefit of the Members (collectively, "Power Agency Costs").

The Power Agency Services Charge will be billed on an estimated basis, based on Power Agency Costs included in Power Agency's adopted budget for each calendar year. The estimated Power Agency Services Charge will be allocated to each Member based upon each Member's total actual Billing Energy from the immediately preceding calendar year and billed to each Member on a levelized monthly basis over each calendar year.

By March of each calendar year, Power Agency will recalculate ~~the~~each Member's allocated Power Agency Services Charge for the prior calendar year based on the actual Power Agency Costs for the prior calendar year and each Member's total actual Billing Energy for the prior calendar year. The difference between the resulting actual Power Agency Services Charge allocated to each Member for the prior calendar year and the estimated Power Agency Services Charge billed to each Member during the prior calendar year will constitute the "Power Agency Costs True-up Amount". Starting with the billing month of April in each calendar year, Power Agency will charge or credit each Member, in each of the ensuing twelve months, an amount equal to one-twelfth of the Power Agency Costs True-up Amount. The Power Agency Costs True-up Amount charge will be assigned to and recovered from each such Member and added to the Full Requirements Monthly Charges of such Member and the Power Agency Costs True-up Amount credit will be assigned to and deducted from the Full Requirements Monthly Charges of each such Member. The amount of Billing Energy for purposes of allocating the Power Agency

Services Charge shall be determined in the manner set forth in Section III of the Full Requirements Bulk Power Supply Rate Schedule.

Effective: ~~July~~April 1, ~~2015~~2017

NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY
MEMBER ELECTRIC RATE SCHEDULE

~~POWER AGENCY SERVICES CHARGE~~
RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARDS ("REPS") CHARGE
RIDER NO. ~~7~~7B

I. APPLICABILITY

This Rider is applicable to all Members.

II. ~~POWER AGENCY SERVICES~~REPS CHARGE

A monthly ~~Power Agency Services~~REPS Charge will be added to the Full Requirements Monthly Charges of each Member. The ~~Power Agency Services~~REPS Charge is based on Power Agency's annual ~~administrative and general costs, its~~ costs of ~~purchased~~its REPS Compliance Program, as defined in the Amended and Restated Renewable Energy ~~Certificates,~~Development and ~~the costs of and associated~~Service Agreements with ~~other activities and services that, from time to time, are approved by the Board of Directors and undertaken and operated by Power Agency for the benefit of the~~its Members ~~(collectively, "Power Agency Costs").~~.

The ~~Power Agency Services~~REPS Charge will be billed on an estimated basis, based on ~~Power Agency Costs~~the costs of the REPS Compliance Program included in Power Agency's adopted budget for each calendar year. The estimated ~~Power Agency Services~~REPS Charge will be allocated to each Member based upon each Member's total actual Billing Energy from the immediately preceding calendar year and billed to each Member on a levelized monthly basis over each calendar year.

By March of each calendar year, Power Agency will recalculate ~~the~~each Member's allocated ~~Power Agency Services~~REPS Charge for the prior calendar year based on the actual ~~Power Agency Costs~~cost of the REPS Compliance Program for the prior calendar year and each Member's total actual Billing Energy for the prior calendar year. The difference between the resulting actual ~~Power Agency Services~~REPS Charge allocated to each Member for the prior calendar year and the estimated ~~Power Agency Services~~REPS Charge billed to each Member during the prior calendar year will constitute the "~~Power Agency Costs~~REPS True-up Amount". Starting with the billing month of April in each calendar year, Power Agency will charge or credit each Member, in each of the ensuing

twelve months, an amount equal to one-twelfth of the ~~Power Agency Costs~~REPS True-up Amount. The ~~Power Agency Costs~~REPS True-up Amount charge will be assigned to and recovered from each such Member and added to the Full Requirements Monthly Charges of such Member and the ~~Power Agency Costs~~REPS True-up Amount credit will be assigned to and deducted from the Full Requirements Monthly Charges of each such Member. The amount of Billing Energy for purposes of allocating the ~~Power Agency Services~~REPS Charge shall be determined in the manner set forth in Section III of the Full Requirements Bulk Power Supply Rate Schedule.

Power Agency's annual REPS Charge to any Member will not exceed the aggregate of the annual Customer Class maximum per account annual charges set forth in N.C.G.S. as §62-133.8(h)(4), or any successor statute thereto.

The Town of Clayton

FY2016 Retail Rate Analysis
and Rate Proposal

October 2015

Andrew C Givens
Cardinal Energy Service, Inc.
603 N West St
Suite 103
Raleigh, NC. 27612

The Town of Clayton

FY2016 Retail Rate Analysis and Rate Proposal

October 2015

Executive Summary

Cardinal Energy Service Inc. has been engaged by the Town of Clayton to review the retail electric rates, the change in the power cost and other expenses, and make recommendations regarding the rates for FY 2016 and succeeding years. To do this Cardinal Energy carried out a Revenue Requirements study using FY2016 as the test year. The Revenue Requirements study used the FY 2016 budget adopted by the Town in June 2015 as the starting point. We then made adjustments to reflect the reduced power cost and other typical level of expenses that the Town expects to recover in the rates during the test year. These estimates were extended to the FY 2017, FY2018, and FY2019. This study calculated the net margins and debt service coverage earned under the current rates, and established the reduction in revenue that was compatible with the Town's financial objectives.

It was clear from the Revenue Requirements study that without the power cost decrease, the Town would need a rate increase of 2% to 5% in FY 2016. However, with the power cost decrease the Town could reduce the total rate revenue by 4.5% in November 2015. At this lower rate level, the Town will be able to currently fund the budgeted FY2016 capital projects, meet other expected budgeted expenses, have debt service coverage of 1.3, and carry forward a small fund balance to help stabilize rates in the 2018-2019 time period.

Cardinal Energy proposes that the recommended rate changes take effect on November 1, 2015.

The Town of Clayton

FY2016 Retail Rate Analysis and Rate Proposal

October 2015

1) **Introduction**

Cardinal Energy Service, Inc. was engaged by the Town of Clayton to review the town's electric rates, and to develop new rates that reflect the Electric Department requirements in the 2016 Fiscal Year, and to provide for rate stability in subsequent years. This review was conducted to reflect three recent changes, including; 1) the reduction in the Town's power cost as a result of the sale of NC Eastern Municipal Power Agency's electric generation; 2) the capital related expenses for system expansion and the addition of a new substation; and 3) the overall increase in operating expenses. Cardinal Energy has carried out the this review using a FY 2016 Test Year, and has developed proposed rates that should provide rate stability into FY 2018.

2) **Rate Analysis**

The proposed rates are based on a revenue requirements analysis. In a Revenue Requirements analysis we examined the revenue generated by the current rates, the margin produced at the test year level of expenses, and establish the revenue increase of decrease required to balance the revenue and expenses for the test period. For the Town of Clayton the study began with a review of the approved FY 2106 electric department budget. The primary goals for the study, in addition to the covering the operating expenses and power cost included the funding of the budgeted capital projects, and was to meet the 1.25 coverage requirements included in the Town's financial policy. While the FY 2016 period was used as the test year for the analysis, the analysis was projected through FY 2019 in order to develop rates that are stable beyond the current year.

The energy usage for a utility varies over time and with the weather, and it is necessary to analyze the retail billing data and related wholesale purchase data to develop realistic revenue and power cost estimates for the adjusted revenue requirements study. The detailed FY 2015 customer usage and revenue data was reviewed and a detailed test year revenue projection was made. This was necessary to insure that the proposed rates can be properly compared to the current rates, both for the current test year and for the future years of concern. Similarly, the wholesale power purchases and power cost for the same test year period was reviewed to establish the comparable teat year power cost estimate.

In addition to the revenue and the power cost estimates for the test year analysis, we paid particular attention to the capital projects and the other capital outlays for 2016 and subsequent years. Also the contractor services, and support services were reviewed to determine which components were being capitalized and which should be included in the current rates. For the purposed of the test year revenue requirements study, the data from the budget was adjusted to establish rates that properly reflected the revenue needed for the current fiscal year.

The primary focus of the revenue requirements analysis was to develop rates that met the revenue requirements for FY 2016. However, rate stability was also important when making this change. The Revenue Requirements Study looked out beyond FY2016 to include FY2017, FY2018, and FY 2019. As the study progressed, it was clear that the rising power cost after 2016, as well as the rising debt service cost, and the other rising cost of operation after 2016 will continue to put upward pressure on the rates. We expect that by FY 2018 it will be necessary for the Town management and Council to review the decisions regarding capital projects and debt financing, as a way to provide rate stability as the Town grows and the expenses increase.

The discussion below provides more detail concerning the power cost and the capital related cost during the test year.

a) <u>Power Cost</u>

In the Spring of 2015, the Town of Clayton and the other members of the NC Eastern Municipal Power Agency (NCEMPA) approved the sale of the ownership interest in five power plants that are primarily owned and operated by Duke Energy Progress. NCEMPA purchased the interest in these plants in 1981 as a way of stabilizing the wholesale power cost and insuring a long term supply of power. With the changes in the power industry and related factors, the ownership of this resource created higher power cost for the participants in recent years. This was expected to continue into the future and the decision was made to sell the generation.

Figure 1 - Power Cost Impact of the NCEMPA Rate Change

NCEMPA Projections – April 2015

	Calendar Year				
	2015	**2016**	**2017**	**2018**	**2019**
2014 Rates - AR-Rates					
Annual Cost - $		$9,865,000	$10,447,000	$11,045,000	$11,472,000
Average Cost	9.00¢	9.39¢	9.80¢	10.20¢	10.44¢
New Rates Implemented 2015 - FR Rates					
Annual Cost - $		$8,761,000	$9,169,000	$9,567,000	$9,903,000
Average Cost	8.13¢	8.34¢	8.60¢	8.84¢	9.01¢
Rate Decrease					
Annual Savings - $		$1,104,000	$1,278,000	$1,478,000	$1.569,000
Cumulative Savings		$1,104,000	$2,382000	$3,860,000	$5,429,000

Figure 1 shows the difference between the projected power cost under the prior rate structure, the "AR rates", and the rates structure implemented in 2015, the "FR rates." NCEMPA has provided estimates of the future power cost under the alternative rate structures. These estimates show that the cumulative savings to the Town are $5,429,000 for the period through 2019. It is important to notice that under both the prior rate and the new rate, the power cost will increase over 10% by 2019. Thus there will continue to be upward pressure under the new rates.

b) Capital Improvements and Debt Service

As the Town's electric system grows, it is necessary to make annual system improvements and periodic major additions to the system. When feasible, the town has included some or all of these cost in the current budget and paid for them out of the current rates. As needed, the Town has sold bonds to finance a portion of the costs of the annual system improvements. With the debt financing, the financial impact is spread out over the following years when the new facilities are serving the customers. The Town has budgeted for $775,166 Electric Department capital projects and capital outlay in FY 2016. The reduction in the power cost gives the Town the flexibility to finance these capital expenditures through current revenues and the Town does not anticipate selling bonds for ongoing capital improvements in FY 2016.

The known major capital projects have been included in the analysis and their impact is reflected in the rates in the period through FY 2019. The Town has begun the engineering and planning for a new substation and delivery point that goes into service in 2016 or 2017. The cost of this project is budgeted to be $6,000,000, and the cost will be financed with additional bonds. Other annual capital projects for the FY 2017 - FY 2019 period may impact the sufficiency of the rates. During this period the, Town will have the management flexibility regarding the timing and the financing of these projects. For the purposed of this study, it has been assumed that the projects will be funded currently in FY2016 and FY2017, and that some debt financing may be used in FY2018 and FY2019.

A significant aspect of the debt financing is the coverage provisions of the Town's financial policy. Under this policy, the Town is required to establish electric rates that will produce a net margin, before the debt service payment of 125% of the debt service owed by the Town. This is a major consideration in developing the proposed rates.

Figure 2 shows the projected debt service for the FY 2016 – FY 2019 period. This is reflected in the projections.

Figure 2 - Bond Debt Service

	Fiscal Year			
	2016	2017	2018	2019
2012 Rolling Stock Bonds	$81,031	$81,031	$54,021	$0
2014 System Bonds	$137,800	$135,850	$133,900	$131,950
2015 System Bonds	$139,344	$137,800	$135,850	$133900
2016 Expansion Bonds	$0	$271,000	$270,,000	$570,000
Future Bonds			$35,000	$70,000
Total Debt Service	$358,175	$624,681	$628,771	$905,850

3) Results of the Revenue Requirements Study

The results of the Clayton Revenue Requirements Study in Figure 3.

The Revenue Requirements Study was done to determine the test year adjusted margin at the current rates and at an adjusted expense level. As discussed above, the expenses have been adjusted to reflect the operating and capital related expenses that should be included in the electric service rates.

Section I of the Figure4 shows the annual electric sales revenues, under the current retail rates will be $12,712,037. With an annual growth rate of 2.5%, the revenue is expected to grow to $13,650,029 by FY 2019.

Section II shows the projected system expenses for the test year and the three following years. The power cost is approximately 68% of the total expenses. The power cost was calculated using the detailed wholesale billing units for the tear year, and the new NCEMPA FR-1 rate which went into effect July 1, 2015. NCEMPA has also provided information regarding future power cost increases which go into effect on January 1, of each year. To calculate the fiscal year power cost for FY 2016, the power cost rates for 2015 and 2016 were averaged, and multiplied times the estimated wholesale demand and energy. This was done for each of the succeeding years.

The electrical department operating expenses show a growth of approximately 3.4% annually based on 5% escalation of the salary and benefits and 2.5% escalation of non-employee expenses. The debt service over the four years are based on the debt service schedules for each existing bond, and an estimated debt service for the future bonds .

The capital outlay and projects in FY 2016 is $775,166. In the future years it is shown at the lower level of $110,000. For certain future projects the Town will have the option to adjust the schedule capital projects, and decision whether to fund such projects through current rates or by bonds. In the process of developing this rate proposal, the capital projects originally budgeted in the FY 2016 budget were reviewed, and it was determined that the Town had the opportunity to fund these project currently, and to review future capital projects each year. This consideration will allow the management the ability to provide the rate stability over the next four years.
The net margin in FY2016 using the current retail rates, as shown in Section III, is $491,826. This gives the Town the leeway to reduce the revenues by that amount and still have the balanced electric department budget. The net margin is higher in FY 2017 due to the lower current year capital spending. However, in FY2018 and 2019 the margin declines due to higher operation costs and debt service.

Figure 3 - Revenue Requirements Study

Revenue Requirements Study				
				9.23
	FY 2016	FY 2017	FY 2018	FY 2019
	Test Year	(Future)	(Future)	(Future)
I. Revenues				
A Sales of Electricity - 2014 Rates	12,712,037	13,017,013	13,329,613	13,650,029
B Permits & Fees	312,600	318,852	325,229	331,734
C Other Revenue	13,470	13,739	14,014	14,294
D Total Revenue	**13,038,107**	**13,349,604**	**13,668,857**	**13,996,057**
II. Expenses				
A Wholesale Power Purchase Expense	8,551,377	9,088,699	9,626,848	10,123,352
B NCEMPA Debt Defeasement	538,418	538,418	538,418	538,418
C. Electrical Operations	1,499,254	1,550,213	1,603,489	1,659,193
D Payment -in-lieu-of-taxes	35,250	35,250	35,250	35,250
E Debt Service	358,175	624,681	628,771	905,850
F Capital Outlay	775,166	110,000	110,000	110,000
G Gen Fund - Franchise Tax	0	0	0	0
H Gen Fund - Support Services	788,642	670,345	600,000	600,000
I Total Expenditures	$12,546,281	$12,617,606	$13,142,776	$13,972,063
III. Margin & Coverage at Current Retail Rates				
Net Margin - 2014 Rates	**$491,826**	**$731,998**	**$526,081**	**$23,993**
Debt Service Coverage Requirement				
Net Margin Before Debt Service	**$850,001**	**$1,356,679**	**$1,154,851**	**$1,172,843**
Annual Debt Service	**$358,175**	**$624,681**	**$628,771**	**$905,850**
Coverage - 2014 Rates	**2.37**	**2.17**	**1.84**	**1.29**

4) **Rate Design Strategy and Guidelines**

To implement the rate changes, and pass the savings to the customers we propose the following strategy and rate design guidelines.

a) Rate strategy. We recommend a 4.5% reduction to the total retail rate revenue with an effective date of November 1, 2015. This is shown in Figure 4 below.

Figure 4 – Recommend Overall Revenue Reduction

	Fiscal Year			
	2016	2017	2018	2019
1. Net Margin – 2014 Rates	$491,826	$731,998	$526,081	$23,993
2. Percent Rate Reduction	**4.5%**	**4.5%**	**4.5%**	
3. Revenue Reduction – 12 months	$572,042	**$585,766**	**$599,833**	
4. Revenue Reduction - 8 months	**$381,361**			

The proposed decrease, together with the use of the fund balance from year to year, will allow the Town to maintain the level of this rate level into 2018. While a decrease greater than 4.5% may be feasible for FY 2016, it is not recommended because a further rate adjustment would be required within 12 to 18 months.

b) The rates should pass the savings to all of the customer classes, with the exception of the lighting rates and the municipal rates. The lighting rates are excluded because the energy cost is a smaller part of the expenses of lighting service, and there are a wide variety of lighting services. The municipal accounts are excluded in order to maximize the savings to the retail customers. This allows a greater reduction for the other rates.

c) The savings for all customer classes, including those with demand rates, should have the savings in the energy component of the rate. This reflects the reduction in the power cost, which is predominantly in the energy component. Also by leaving the demand rate in place, the demand customers will continue to have the rate incentives for peak load control.

d) Effort has been made to provide the maximum rate savings for the electric customers as well as rate stability over the next 3 or 4 years. For the Test Year, FY 2016, the proposed rates should allow the Town to fund the current year capital projects as well as carry a fund balance forward for rate stabilization to the following years.

e) In order to pass the savings to the customers, the proposed rates have been designed to be implemented November 1, 2015. On this schedule they should meet the financial guidelines for FY 2016.

5) Rate Changes for Each Customer Class

1. Residential Rates - The proposed annual savings for the residential customers is approximately $405,516, or a reduction in the electric cost approximately 4.8%. The proposed customer charge will remain unchanged at the current rate of $6.95 per month. The total energy charge is reduced by 0.65¢ per kWh, or from 12.83¢ to 12.18¢ per kWh. The fuel adjustment charge will be reduced to $0.0. The proposed Residential rate is shown in Figure 4.1 below.

Residential Rate Proposal
Figure 4.1

Rate Component	Current Rates		Proposed Rates		Increase
	Rate	Revenue	Rate	Revenue	
Customer Charge	$6.95	$435,261	$6.95	$435,261	
Base Energy Charge	$0.1172	$7,311759	$0.1218	$7,598,739	
Fuel Adjustment	$0.0111	$692,496	$0.0000	$0	
Total		$8,439,516		$8,034,000	($405,516)
Average		$0.1353		$0.1288	(4.80%)

2. Small General Service Rates - The proposed annual savings for the Small General Service customers is approximately $11,032, or a reduction in the electric cost approximately 4.80%. The customer charge will remain at $15.00. The fuel

adjustment charge will be reduced to $0.0 and the total energy charge for each energy block of the Small General Service rate will be reduced by 0.673¢ per kWh. The proposed Small General Service rate is shown in Figure 4.2 below

Small General Service Rate Proposal
Figure 4.2

	Current Rates		Proposed Rates		
	Rate	Revenue	Rate	Revenue	Increase
Customer Charge	$15.00	$31,642	$15.00	$31,642	
Base Energy Charge					
1st Block: to 750 kWh	$0.13176	$117,207	$0.13613	$121,095	
2nd Block: next 2000 kWh	$0.08606	$51,028	$0.09043	$53,619	
3rd Block: add. kWh	$0.07455	$11,688	$0.07892	$12,373	
Fuel Adjustment	$0.01110	$18,196	$0.0	$0	
Total		$229,761		$218,729	($11,032)
Average		$0.1402		$0.1334	(4.80)%

3. Medium General Service Rates - The proposed annual savings for the Medium General Service customers is approximately $83,952, or a reduction in the electric cost approximately 4.71%. The customer charge will remain at $20.00. The fuel adjustment charge will be reduced to $0.0 and the total energy charge for each energy block of the Medium General Service rate will be reduced by 0.51¢ per kWh. The current and proposed Medium General Service rates are shown in Figure 4.3 below.

Medium General Service Rate Proposal
Figure 4.3

	Current Rates		Proposed Rates		
	Rate	Revenue	Rate	Revenue	Change
Customer Charge	$20.00	$23,329	$20.00	$23,329	$0
Demand – all kw	$7.56	$359,958	$7.56	$359,958	
Base Energy – all kWh	$0.07225	$1,213,110	$0.07826	$1,314,020	
Fuel Adjustment	$0.0111	$186,374	$0.0000	$0	
Total		$1,782,374		$1,697,307	($85,463)
Average		$0.1062		$0.1011	(4.79%)

4. Coincident Peak Rate (CP) – Clayton has four customers served on the CP rate. The proposed savings for the Coincident Peak rate customers is $36,229 or a reduction in the electric cost approximately 4.79%. The customer charge will remain unchanged at $75.00 per month. The fuel adjustment charge will be reduced to $0.0 and the total energy charge for the Coincident Peak rate will drop by 0.436¢ per kWh. The CP Demand charge and the Excess Demand charge will not change. In this way, the

incentives provided by the demand rate remain as they are, and the load con troll savings to the customer go untouched.

Coincident Peak Rate Proposal
Figure 4.4

	Current Rates		Proposed Rates		
	Rate	Revenue	Rate	Revenue	Increase
Customer Charge	$75.00	$3,600	$75.00	$3,600	
Demand Charge					
CP kw Demand	$18.00	$227,232	$18.00	$227,232	
Excess kw	$3.50	$29,281	$3.50	$29,281	
Generation Credit					
Base Energy Charge	$0.0487	$404,590	$0.05549	$460,597	
Fuel Adjustment	$0.0111	$92,236	$0.0000	$0	
Total		$756,939		$720,710	($36,229)
Average		$0.0911		$0.0867	(4.79%)

5. General Service Time-of-Use Rate (TOU) - The proposed savings for the General Service – TOU customers is $3,495 or a reduction in the electric cost approximately 4.79%. The customer charge will remain unchanged at $50.00 per month. The fuel adjustment charge will be reduced to $0.0 and the total energy charge for each energy block of the General Service - TOU rate will be reduced by 0.553¢ per kWh. The current and proposed General Service – TOU rates are shown in Figure 4.5 below.

General Service, Time-of Use Rate Proposal
Figure 4.5

	Current Rates		Proposed Rates		
	Rate	Revenue	Rate	Revenue	Increase
Customer Charge	$50.00	$1,800	$50.00	$1,800	
Demand Charge	$17.27	$28,659	$17.27	$28,659	
Base Energy Charge	$0.05627	$35,560	$0.06184	$39,080	
Fuel Adjustment	$0.0111	$7,015	$0.0000	$0	
Total		$73,034		$69,539	($3,495)
Average		$0.1156		$0.1100	(4.79%)

6. Institutional Service Rate - The proposed annual savings for the Institutional Service customers is $9,698 or a reduction in the electric cost approximately 4.8% The proposed customer charge will remain unchanged at $10.00. The fuel adjustment charge will be reduced to $0.0 and the total energy charge for the Institutional Service rate will be reduced by 0.57¢ per kWh. The current and proposed Institutional Service rates are shown in Figure 4.6 below.

Institutional Service Rate Proposal
Figure 4.6

	Current Rates		Proposed Rates		Increase
	Rate	Revenue	Rate	Revenue	
Customer Charge	$10.00	$4,244	$10.00	$4,244	
Base Energy Charge					
1st Block: to 600 kWh	$0.12623	$27,077	$0.13163	$28,235	
2nd Block: next 1900 kWh	$0.10871	$40,466	$0.11411	$42,476	
3rd Block: add. kWh	$0.10009	$111,568	$0.10549	$117,587	
Fuel Adjustment	$0.0111	$18,886	$0.0000	$0	
Total		$202,240		$192,542	($9,698)
Average		$0.1189		$0.1132	(4.8%)

Municipal Service and Area Light Rates – In order to maximize the rate savings to the customers of the Town, we propose that the municipal service rate and the various lighting rates remain unchanged.

Town of Clayton

2015 Retail Rate Study

Comparison of the Revenue - Current and Revised Rates

	Test Year	Current Rates			Revised Rates			Rate Impact	
	Units	Rates	Revenue	Avg.	Rates	Revenue	Avg.	$	%
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. Residential									
Bills	62,628	$ 6.95	$435,261		$6.95	$435,261			
Energy - Base	62,387,020	$0.11720	$7,311,759		$0.1218	$7,598,739		$286,980	
Fuel Adjustment	62,387,020	$0.0111	$692,496		$0.0000	$0		($692,496)	
Subtotal	62,387,020		$8,439,516	13.53		$8,034,000	12.88	($405,516)	-4.80%
2. Small General Service - EC									
Bills	2,109	$ 15.00	$31,642		$15.00	$31,642			
Energy									
1st block	889,552	$ 0.13176	$117,207		$0.13613	$121,095		($3,887)	
2nd block	592,934	$ 0.08606	$51,028		$0.09043	$53,619		($2,591)	
3rd Block	156,785	$ 0.07455	$11,688		$0.07892	$12,373		$685	
Fuel Adjustment	1,639,271	$ 0.01110	$18,196		$0.00000	$0		($18,196)	
Total Small Gen. Servic	1,639,271		$229,761	14.02		$218,729	13.34	($11,032)	-4.80%
3. Medium General Service - MGS 1									
Bills	1,166	$ 20.00	$23,329		$20.00	$23,329			
Demand - all kw	47,613	$ 7.56	$359,958		$7.56	$359,958			
Energy - all kwh	16,790,447	$ 0.07225	$1,213,110		$0.07826	$1,314,020		$100,911	
Fuel Adjustment	16,790,447	$ 0.01110	$186,374		$0.00000	$0		($186,374)	
Total Medium Gen. Serv	16,790,447		$1,782,771	10.62		$1,697,307	10.11	($85,463)	-4.79%
4. Coincident Peak Rate									
Bills	48	$ 75.00	$3,600		$75.00	$3,600			
Demand									
CP kw	12,624	$ 18.00	$227,232		$18.00	$227,232			
Excess kw	8,366	$ 3.50	$29,281		$3.50	$29,281			
Energy	8,309,518	$0.0487	$404,590		$0.05543	$460,597		($56,006)	
Fuel Adjustment	8,309,518	$0.0111	$92,236		$0.00000	$0		$92,236	
Total Coincident Peak F	8,309,518		$756,939	9.11		$720,710	8.67	($36,229)	-4.79%
5. General Service TOU									
Bills	36	$ 50.00	$1,800		$50.00	$1,800			
Demand - all kw	1,659	$ 17.27	$28,659		$17.27	$28,659			
Energy - all kwh	631,960	$0.05627	$35,560		$0.06184	$39,080		($3,520)	
Fuel Adjustment	631,960	$0.01110	$7,015		$0.00000	$0		$7,015	
Total Medium Gen. Serv	631,960		$73,034	11.56		$69,539	11.00	($3,495)	-4.79%
6. Institutional Service									
Bills	424	$ 10.00	$4,244		$10.00	$4,244			
Energy									
1st 600 kwh	214,503	$0.12623	$27,077		$0.13163	$28,235		($1,158)	
next 1900 kwh	372,236	$0.10871	$40,466		$0.11411	$42,476		($2,010)	
all additional	1,114,676	$0.10009	$111,568		$0.10549	$117,587		($6,019)	
Fuel Adjustment	1,701,415	$0.01110	$18,886		$0.00000	$0		$18,886	
Total Institutional	1,701,415		$202,240	11.89		$192,542	11.32	($9,698)	-4.80%
7. Municipal Use									
Bills	689				$0.00				
Demand - all kw	20,134				$0.00				
Energy - all kwh	6,034,591	$0.08514	$513,794		$0.08514	$513,794			
Total Municipal Use			$513,794	8.51		$513,794	8.51	$0	0.00%
8 Lighting Service									
Bills	20,765								
Energy - all kwh			$0						
Total Lighting Service			$200,983			$200,983		$0	0.00%
Total Rate Revenue	97,494,222		$12,199,037	12.51		$11,647,604	11.95	($551,434)	-4.5%

Town of Clayton

Rate Analysis

	NCEMPA Projection 4/15 *	NCEMPA Projection 1/17
2016	2.1%	0.0%**
2017	3.1%	(4.5%)**
2018	2.8%	0.0%
2019	3.0%	3.0%
2020	N/A	3.0%

*Used in October 2015 rate study that resulted in a Town of Clayton rate reduction of 4.5% with no increase until 2019.

**Actual