



**The Town of Clayton
Downtown Development Association Advisory Board Agenda
Monday, April 10, 2017 @ 6:30 PM
GS 223 - Clayton Town Hall**

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. OLD BUSINESS

- a. Review and approval of Updates to Downtown Overlay District Map –
Project #2016-209-RZ

Approval of pending changes to boundary.

Requested Action: Recommend approval of Updated Downtown Overlay District Map to Council.

[Application - Zoning Overlay update 2016-209-RZ](#)

[Downtown Overlay District draft3 - Existing vs Proposed](#)

[Downtown Overlay District draft3 - Aerial](#)

- b. Review and approval of updates to Downtown Overlay Code Language - Project
#2016-239-OA

Requested Action: Recommend approval of Updated Downtown Overlay Code Language to Council.

[Article 204 Downtown Overlay - 2016-239-OA](#)

[Application - Downtown Overlay - 2016-239-OA](#)

- c. Mondo Roots sponsorship.

Requested Action: Recommend approval of sponsorship and amount.

4. NEW BUSINESS

- a. Review and approval of minutes.

Requested Action: Approval of February 13th minutes.

[Minutes - February 13, 2017](#)

- b. Farmer's Market sponsorship.

Requested Action: Recommend approval of sponsorship and amount.

5. REPORTS

- a. Downtown Development Director
b. Financial Report

- c. Promotion Committee Chair
- d. Economic Committee Chair
- e. Design Committee Chair

6. OTHER BUSINESS

7. ADJOURN



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: Zoning Overlay District Update 2016 Acreage of Property: n/a
County Tag Number: n/a NC PIN: n/a
Address/Location: Town Limits and ETJ
Existing Zoning District: n/a
Proposed Zoning District: n/a

APPLICANT 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
Email Address: jwmcLeod@townofclaytonnc.org

FOR OFFICE USE ONLY	
Date Received: <u>OCT 03 2016</u>	Amount Paid: <u>n/a, Town-initiated</u> File Number: <u>2016-209-RZ</u>
TOWN OF CLAYTON PLANNING DEPARTMENT	

PROPERTY OWNER INFORMATION

Name: n/a

Mailing Address: n/a

Phone Number: n/a Fax: n/a

Email Address: n/a

EXPLANATION OF PROJECT

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

Update to the Town's official zoning map to extend zoning overlay districts to newly annexed property or new property that has been incorporated into the Town's ETJ. Updated overlay districts include the Thoroughfare Overlay District, the Watershed Protection Overlay, the Scenic Highway Overlay, and the Downtown Overlay District. The Downtown Overlay District update is also being coordinated with an update to the code language regulating that district (application 2016-239-OA). All of these overlays are described further in §155.204 "Overlay District Standards", in the Unified Development Code.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:		
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	☒
2. Review Fee (\$500 for standard rezoning <u>OR</u> \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☐	☒
3. Completed application	☒	
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	☐	☒
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☐	☒
6. <i>If property to be rezoned is a portion of a parcel:</i> - 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) <i>See sample letter and meeting requirements included in this packet</i>	☐	☒
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>		
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>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.</i>	☐	☒

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
The updated modifies the official zoning map to be consistent with adopted code in the Unified Development Code (§155.204). The Downtown Overlay District update is also being coordinated with an update to the code language regulating that district (application 2016-239-OA).

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
Modifies boundaries to make consistent with adopted code.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The purpose of regulation of overlay districts is outlined in §155.200 of the Unified Development Code.

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.
n/a

5. It has been determined that the legal purposes for which zoning exists are not violated.
This is true. The regulation of zoning overlay districts is in accordance with the legal basis of zoning regulation.

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.
This is true.

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 true. This affects property based on criteria independent of ownership, and to the benefit of the entire town.

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.

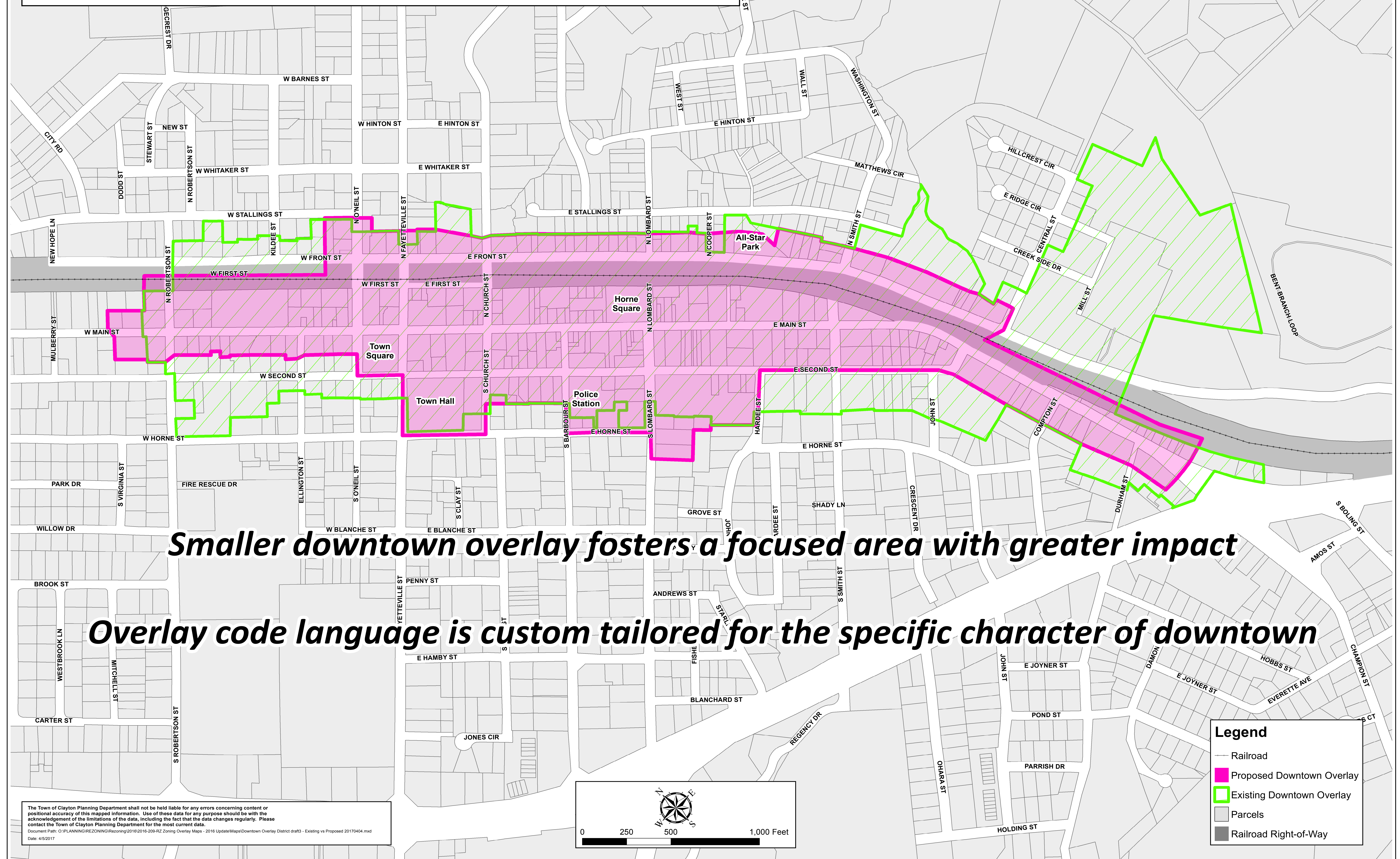
Jay McLeod, Senior Planner
Print Name


Signature of Applicant

10/03/2016
Date

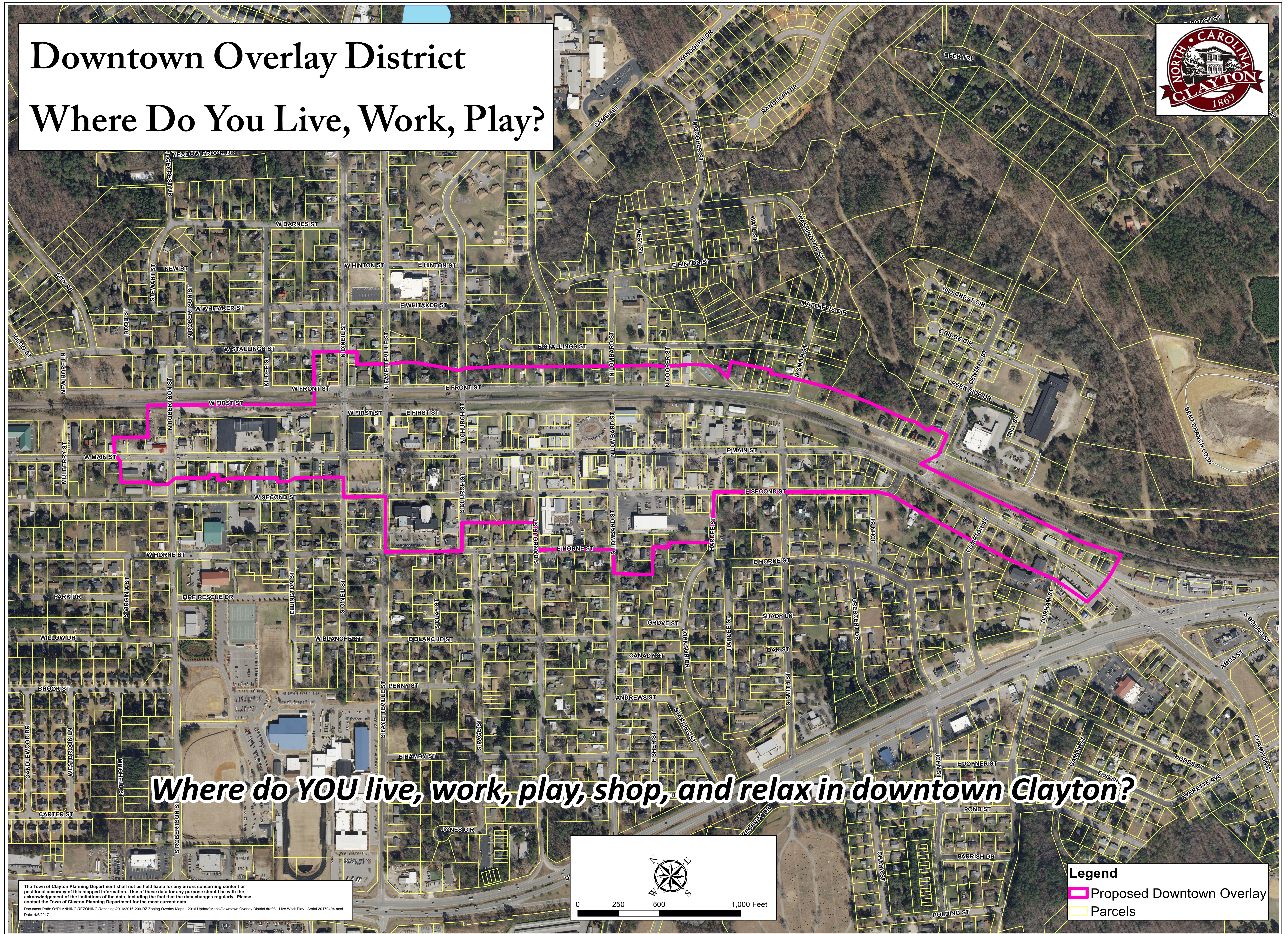
Downtown Overlay District - Draft

Existing vs. Proposed Boundary



Downtown Overlay District

Where Do You Live, Work, Play?



Where do YOU live, work, play, shop, and relax in downtown Clayton?

Legend
Proposed Downtown Overlay
Parcels



The Town of Clayton Planning Department shall not be held liable for any errors concerning content or positional accuracy of this mapped information. Use of these data for any purpose should be with the acknowledgment of the limitations of the data, including the fact that the data changes regularly. Please contact the Town of Clayton Planning Department for the most current data.

Document Path: O:\PLANNING\REZONING\Rezoning\2016-2019-RZ Zoning Overlay Maps - 2016 Update\Maps\Downtown Overlay District draft3 - Live Work Play - Aerial 20170404.mxd
Date: 4/6/2017

ARTICLE 2: ZONING DISTRICTS

§ 155.204 OVERLAY DISTRICT STANDARDS

(D) DOWNTOWN OVERLAY DISTRICT

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries. It is recognized that an attractive and vibrant downtown promotes the economic development and stability of the entire community. The uses, character, and design of the public and private realm all contribute to the success of the downtown. The standards established herein shall be applied to all ~~nonresidential~~ properties which are located within the district's boundaries.

(1) **Designation of Downtown Overlay District**

This district shall be an overlay district and shall include all ~~commercially-zoned~~ properties located wholly or partially (20% or more) within the Downtown Overlay District of the Town Zoning Map.

(2) **Permitted Uses**

(a) All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification, subject to the following modifications.

(b) All ~~nonresidential~~ tenants, businesses, uses, and activities on the ground (first) floor of a building which front on Main Street shall be responsive to and provide services, goods, or otherwise engage in business with pedestrians and the general public. More specifically, the following use types are prohibited on the first floor (street level) of Main Street, with the Planning Director responsible for ultimate interpretation:

1. Businesses which exclusively engage in "by appointment only" clientele or do not accept walk-in customers;
2. Residential uses. This does not include ancillary facilities, such as lobbies which serve upper story residential uses;
3. Drive-thru facilities;

(3) Sign Regulations

The following criteria modifies, but does not replace, the text of §155.403 "Signs", and may be either more or less restrictive.

(a) All signs allowed in the Downtown Overlay District, with the exception of Window / Door Signs, Awning / Marquee / Canopy Signs, and Flags, shall have at least one

distinguishing architectural or design feature, including but not limited to one of the following:

1. Exterior illumination with decorative lighting fixture;
2. Decorative or architectural mounting bracket;
3. Decorative border design that deviates from a standard rectangle;
4. Or some other design feature or embellishment that distinguishes the sign as high quality and enhancing of the downtown streetscape.

(b) Illumination

Illumination of sign shall not be restricted based on proximity to residential uses, but rather by the business hours of the use.

(c) Clearance

1. The minimum required clearance for any overhead sign, awning, or canopy is seven feet (7').
2. The minimum required horizontal clearance is 5', to allow for adequate pedestrian movement on the sidewalk.

(d) Prohibited Signs

Except for "Historic Signs", the following additional signs shall be prohibited in the Downtown Overlay District:

1. All signs designated in §155.403(E) "Signs Prohibited";
2. Electronic Changeable Copy Signs;
3. Freestanding Signs that cannot meet the setback criteria;
4. Billboards;
5. Manual Changeable Copy Signs, unless associated with a theater, assembly, or a church;
6. Drive-Thru Menu Boards;

(e) Promotional Banners and Seasonal Displays

1. Small window posters advertising upcoming special events, sales events, or other such seasonal information are allowed on ground-floor storefront windows without requirement for a sign permit. A maximum of one 24"x36" poster, or two

18"x24" posters are allowed per storefront, and these posters must be relevant and current.

- ~~1. Promotional banners not exceeding 12 square feet shall be permitted in the Downtown Overlay District for periods of up to 14 days. Promotional banners shall be allowed a maximum of four times per year. All promotional banners must be reviewed and approved by Planning Director or their designee and a Temporary Sign Permit must be issued. Promotional banners must be removed immediately following the 14-day period.~~
- ~~2. Religious, governmental, civic, and bona fide nonprofit organizations may display a single promotional banner within or over a public right-of-way for a period not to exceed 14 days, subject to the issuance of a permit by the Planning Department. Such banner shall be erected by the Town in a manner which does not endanger the public use of said right of way. No organization may erect a promotional banner under the terms of this section more than twice in a 12 month period~~

~~(b) Decorative Flags and Banners~~

- ~~Decorative flags and banners shall be reviewed and approved by the Planning Director or their designee.~~
- ~~Holiday decorations may be installed for a maximum period of seven weeks per holiday, and shall be otherwise regulated by §155.403 "Signs".~~
- ~~Seasonal banners must correspond to the appropriate season.~~

~~(c)(f) Easels / Sandwich Boards / A-Frame Signs~~

- ~~1. Easels / Sandwich Boards / A-Frames Signs shall be permitted within the Downtown Overlay District provided that there is a minimum of five feet of sidewalk clearance.~~
- ~~2. Easels / Sandwich Boards / A-Frames Signs shall be a maximum of six square feet in area (per side) and type as determined by the Downtown Development Association.~~
- ~~3. Easels / Sandwich Boards / A-Frames Signs shall be a maximum of three feet in height.~~
- ~~3. Easels are only allowed Easels / Sandwich Boards / A-Frames Signs shall only be displayed during business hours, and may not be attached to anything else.~~
- ~~4. Easels / Sandwich Boards / A-Frames Signs shall be constructed of quality frame materials, such as decorative metal or wood; plastic shall not be allowed.~~

~~(d) Window / Door Signs~~

1. ~~One 11-inch by 17-inch window sign or two 8 1/2-inch by 11-inch window signs shall be permitted per ground floor business per street frontage. These shall not be permitted for windows above the ground floor. These shall not count toward the total allowable sign face area for the site.~~

(e) ~~**Changeable Copy Signs**~~

~~Changeable letter signs shall be prohibited in the Downtown Overlay District except for "historic signs."~~

(g) **Wall / Fascia Signs**

1. All tenants not on the ground floor and located within the same building with units accessed internally may only utilize a Tenant Identification Sign (§155.403(G)(9)).
2. A wall sign designed and functioning as a larger version of a tenant identification sign (advertising for some or all on-site tenants) may be permitted provided that it:
 - A. Adheres to the dimensional requirements of a wall sign, and
 - B. Each tenant may not be advertised more than once per façade, if they are included on the modified wall sign.

(h) **Flags**

1. Angled- or horizontally-projecting flagpoles may encroach into the right-of-way with an approved sign permit, although they must remain 3' from the back of curb. Permission from NCDOT may be required, depending on ownership of the right-of-way.
2. Only one flagpole per building or site is allowed, with a minimum required frontage as follows:
 - A. One angled- or horizontally-projecting flagpole allowed for buildings with 25 feet of building frontage
 - B. One vertically-projecting flagpole allowed for buildings with 150 feet of building frontage.
3. An exemption to the maximum number of flags and clearance requirements is that each ground floor entrance may have one small flag (2 sq. ft. per side) projecting from adjacent to the door.

~~(3)~~(4) **Dimensional Requirements**

- (a) The purpose of modified setbacks on Main Street in the Downtown Overlay District is to provide adequate room for outdoor seating and dining, display of wares, an

enhanced pedestrian realm, and create space for an active street life, while also continuing a unified visual building frontage along the street. This is in addition to the standard purpose for enforcing setbacks in the Town.

(b) Setbacks and build-to lines for nonresidential and mixed use zoning districts:

1. The dimensional requirements of this Overlay District ~~shall be~~ are the same as the underlying zoning district, with the following modifications to setbacks and dimensional standards on that portion of Main Street that is within the Downtown Overlay District, and properties on side streets that are within 50' of Main Street.

A. Minimum and maximum setbacks are established on properties that front on roads, sidewalks, or public rights-of-way:

i. A minimum setback line is established at 12' from back of curb.

ii. A maximum setback line is established at 14' from back of curb.

iii. The Planning Director may allow an alternate building setback that pulls the building or a portion thereof closer to the street to provide consistency with adjacent properties and continue an established streetscape rhythm.

iv. The Planning Director may waive the maximum setback requirement in order to preserve the historic character or landmark status of an existing building, or to preserve the character of a park or public square.

v. Architectural, landscaping, or other site elements may still be required as part of the site plan to continue the appearance of a unified frontage with neighboring buildings.

B. 70% of the first and second floor street-facing façades or storefronts for all new, retrofit, and infill development shall be located within the minimum and maximum setback lines established above, with allowances provided for decorative, recessed or projected entries, balconies, or window treatments that are in accordance with other parts of this Section.

C. If a building is set back further than neighboring buildings, some design element should be incorporated in front of the first floor façade, such as knee wall, first floor roof projection designating outdoor seating area, or other architectural element or design feature that continues the streetscape rhythm of neighboring buildings.

(5) Development Standards

The following criteria modifies, but does not replace, the text of §155.400 “Access”, §155.401 “Off-Street Parking and Loading”, §155.402 “Landscaping, Screening, and Buffering”.

(a) Widths of access ways, as described in Table 4-1 “Dimensional Standards of Access Ways”, may be reduced to match the dimensions of existing streets in the Downtown Overlay District, with approval by the Planning Director, Engineering Director, and Fire Marshal as part of the standard review of individual development projects.

(b) Parking Requirements

1. General:

- A. Any development in the Downtown Overlay District with frontage on a public right-of-way shall be required to formalize on-street, parallel parking, along the frontage(s) of the property, including landscaped bump-outs at intersections. Adjacent on-street parking spaces may count toward meeting the parking requirement for a site.
- B. All parking spaces within the Downtown Overlay District shall be paved. Permeable paving may be allowed if approved by the Planning Director and Town Engineer. No grass, gravel, dirt, or other surfaces are allowed.

2. Residential off-street parking

- A. Residential off-street parking requirements may be met satisfied with off-site parking, subject to Planning Director approval, provided the following are met:
 - i. The off-site parking area is in proximity to the parcel on which the residential dwellings are located;
 - ii. The off-site parking spaces are designated as reserved for the residential units which they serve;
 - iii. Required handicap parking spaces are located as close as possible to the residential dwellings;
 - iv. All other relevant conditions of §155.401(C)(3)(c), “Off-site parking”, are met.

3. Nonresidential development and uses:

- A. The number of vehicular parking spaces may be reduced to 50% of that designated in Table 4-2 “Minimum Off-Street Parking Requirements”. Providing more parking spaces than 50% may be approved on a case-by-case basis by the Planning Director. In no case shall the requirements listed in Table 4-2 be exceeded. Standalone, multi-story parking decks or parking structures are exempt from this requirement.

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03/28/2017

B. New construction shall have the opportunity to provide bicycle racks on site or pay fee-in-lieu. Minimum bicycle parking requirements for nonresidential uses may be paid as fee-in-lieu, as specified in the Comprehensive List of Fees and Charges. The fee-in-lieu will be used to provide appropriate bicycle infrastructure and parking facilities in the public right-of-way and on public property in downtown.

(c) Landscaping, Screening, and Buffering Requirements

1. In the district, the Planning Director may allow a new use to be established or an existing use to be expanded, even if all landscaping, screening, and buffering requirements cannot be met, provided that as much landscaping, screening, and buffering as can be reasonably provided is provided.

2. In the district, site interior landscaping (per §155.402(D)(1) "Interior Landscaping") may be reduced as follows.

A. Reduced by 75% in the B-1 zoning district.

3. All landscaping shall be designed to reduce unsafe areas of limited visibility.

4. Berms may not be used for required screening.

5. Landscape buffers or opaque visual screening, except that used for screening parking areas to a maximum height of 3', shall not be required along any public right-of-way.

6. Fences or walls not used for required screening or for providing security for a parking area shall be limited to 4' in height. This requirement does not apply to single family residential, duplexes, or townhomes. Chainlink fencing is prohibited.

7. Plastic, vinyl, and similar low quality materials are prohibited for planters and window boxes.

8. Street trees:

A. At the discretion of the Planning Director, street trees shall be required along all public rights-of-way at a rate of one per 40 linear feet or at an interval that mimics the existing tree placement in that area.

B. Street trees shall occur at appropriate, coordinated locations within public rights-of-way and may involve metal tree grates or other treatments to match the streetscape and design palette of downtown.

9. Subject to Planning Director approval, the following may be approved:

A. Modifications to the required amount of site interior landscaping materials, in zoning districts where the maximum allowed impervious area infringes on site area available for landscaping.

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- B. Understory tree species may be substituted for up to half of the required canopy trees. This includes trees required as part of overlay districts, site interior landscaping requirements, parking lot landscaping, street trees, and incompatibility buffers.
- C. High-quality, raised landscaping planters may be substituted for required plantings, at a rate to be determined by the Planning Director based on area of planters provided. Planters must match the existing streetscape materials and design palette if adjacent to a public right-of-way, or that of the primary structure. Plastic, vinyl, and similar low quality materials are prohibited.

(6) Neighborhood Character, Appearance, and Architectural Design

(a) General requirements applicable to all properties:

- 1. Right-of-way shall be dedicated (if necessary) to allow for two-way traffic and on-street parking (both sides) along public streets.
- 2. A minimum of 8' of mostly-unobstructed walking surface (from back of curb) shall be provided for pedestrian traffic public rights-of-way on and within 50' of Main Street. Some of this area may be used for public display of wares or outdoor seating, pursuant to the relevant portions of this Chapter, so long as a minimum of 5' of fully unobstructed clearance remains for pedestrian traffic.
- 3. Structures shall be oriented so that their primary façade faces and is parallel with the principal street on which they are located.
- 4. Street-facing facades of second and third stories (except for single family residential) shall be constructed within the minimum and maximum setback lines established in the Downtown Overlay District (per (4)(a)2, "Setbacks").
- 5. Nonresidential and mixed use infill development shall occupy the full width of the lot width to create a continuous streetscape. Allowances may be made for required vehicular and pedestrian ingress/egress points.
- 6. The following shall apply to properties on and within 50' of Main Street that are in nonresidential or mixed use zoning districts:
 - A. New and infill development shall be a minimum of two stories, with the second story being at least 75% of the area of the first floor. If waiver from this requirement is approved by the Planning Board, then the building must still be engineered and constructed to support the addition of a second floor in the future.
 - B. Buildings shall not have a single tenant space which exceeds 10,000 sq. ft. in area on the first floor, unless at least one external, storefront entrance

is provided for every 6,000 square feet, and the internal space is designed to be able to be partitioned.

7. Corner Lots:

- A. Corner buildings shall match or exceed the height of adjacent buildings, with a minimum height of two stories. This requirement shall not apply to single family residential buildings, provided they fit into the architectural style of their neighborhood.
- B. On corner lots, both facades shall be oriented so that they face and are parallel with adjoining streets.
- C. Corner lots shall locate their vehicular access to the least traveled street, where practicable, and as far as possible from the intersection.

8. Materials:

- A. Exterior materials should match the palette of the historically contributing buildings in the district. Wood is only allowed as an external material on existing buildings or on single family residential, duplexes, or townhomes.
- B. The following materials are prohibited from being visible on the exterior facades of any new construction, replacement or renovations, or to cover an existing façade: metal panels, corrugated metal, fiberglass, metal screening, plastic, vinyl, aluminum siding, concrete block, concrete panels, or other materials not consistent with or representative of the historical architectural vernacular of the district.
- C. On and within 50' of Main Street, all facades facing public streets or rights-of-way shall be comprised of red brick, masonry, cast stone, or similar quality material common to the historically-representative buildings on Main Street. Projects with public or cultural significance may be designed to have a character that varies more from the standard development pattern, to distinguish them as a signature or landmark structure. The Planning Director may allow alternate materials on renovations or expansions of existing buildings if they keep in context with the existing materials and architecture.

9. Parking:

- A. Cross access shall be provided between adjacent parking lots to minimize the number of access points along streets. The Planning Director may waive this requirement if cross access is not feasible due to natural features or site layout restrictions. Cross access shall be accompanied by a cross access easement or agreement, recorded with the Clerk of Court. Single family residential and duplexes are exempt from this requirement.

B. All nonresidential and mixed use developments shall utilize alley loaded and/or parking to the rear of a building.

C. Multi-story parking structures/decks:

i. If visible from the street, multi-story parking structures/decks shall place the shortest dimension along the street, if possible.

ii. On and within 50' of Main Street, multi-story parking structures/decks shall incorporate usable spaces for nonresidential uses (i.e. – storefronts and/or tenant spaces) along the entirety of first floor facades that front on public rights-of-way, excepting entrances and exits.

iii. Multi-story parking structures/decks shall be architecturally consistent with surrounding buildings and shall meet all other criteria of this section.

10. Windows:

A. Windows shall be vertically oriented, and at least as tall as they are wide.

B. Windows shall be no lower than two feet above finished grade, unless they can be opened to provide access to the outside, such as decorative glass garage doors, or French doors.

C. No opaque window glazing shall be permitted on the first three floors of a building. In this instance, "opaque" is defined as any glazing (frosted or smoked windows, wraps, etc.) that inhibits view from the outside to the inside of the building.

D. False windows or faux windows are not permitted on the first floor on any façade that is visible from a public right-of-way. The Board of Adjustment may grant a variance to this requirement under conditions and locations in which it will not be detrimental to the intent of the district.

E. Security bars or similar theft prevention devices shall not be allowed on any window that is visible to the public. Any security measures shall be seamlessly integrated into the design of the window, building, or façade. The Planning Board may approve deviation from this requirement, so long as the intent is retained.

F. Nonresidential and mixed use zoning districts, and conforming nonresidential buildings in residential zoning districts:

i. For any floor above the first (ground) floor, large expanses of vertical windows that give the overall appearance of unified (undivided) horizontal massing is prohibited.

- ii. At least 70% of the surface area of the first (ground) floor, public-facing façade of all buildings shall be storefront windows or other windows which create an enhanced sense of connection between the inside of buildings and the public realm. Corner buildings may reduce the window coverage to 35% on the façade facing the secondary street.
- iii. Upper floors shall provide a minimum of 35% window coverage of the façade, and simple patterns shall be used to subdivide the windows to add character to the buildings.
- iv. No building shall be altered as to reduce the amount or area of first (ground) floor storefront windows to less than the amount specified in this Section.
- v. No ground floor window or translucent door shall be covered or screened from within, so as to obstruct visibility over more than 25% of the surface area, for more than one half of business hours. Any coverings in violation of this shall be removed by August 1st, 2017, or immediately upon adoption of this ordinance.
- vi. First floor storefront windows shall incorporate at least one architectural design element common to or representative of the district, including but not limited to soldier courses, brick patterns, columns, knee walls, recessed entrances windows, peaked or arched windows, or decorative window frames. Large, opening windows that provide connection to the street, such as garage door-style retracting windows, are permitted so long as they blend into the character of the street and district.

11. Roofs:

- A. Parapet style roofs are required for all new development that is not single family residential or duplexes.
- B. Peaked roofs are prohibited on new or infill development on or within 50' of Main Street.
- C. Rooflines shall vary from building to building, and within buildings that are wider than 100'.

12. Utilities:

- A. All utilities shall be undergrounded. Where this is impractical, the utilities shall come from the rear of the property or through a service alley.
- B. All utilities shall be locationally consolidated with existing utilities, to reduce the proliferation of overhead wires and cables.

- C. All mechanical equipment shall be located on the roof, where practicable, and completely screened from view regardless of location. The Board of Adjustment may grant a variance to the requirement for equipment to be located on the roof.

13. Entrances

The following shall apply to entrances in nonresidential and mixed use zoning districts, and in conforming nonresidential buildings in residential zoning districts.

- A. Existing entrances with features such as recessed or angled entries shall not be removed, except to restore the storefront to a more historically accurate design.
- B. Diagonal entrances at corner buildings are required.
- C. Entrance doors shall be a minimum of 50% transparent.
- D. Shingled or plastic awnings are prohibited.

(b) Conforming residential uses and residential zoning districts:

- 1. The following criteria shall be applicable to all new construction, exterior renovation or additions to the front façade, or to renovations of 50% or more of the entire façade:
 - A. Parking garages and vehicular use areas shall not occupy more than 25% of the front façade for any residential development or dwelling unit.
 - B. Parking areas for multi-family residential and townhomes shall in the rear of the property and shall be either side-loading or alley-loaded.
 - C. Materials used for facades must be consistent with or representative of the historical architectural vernacular of the district.

(7) Incentives and disincentives:

- (a) The Town encourages the use, re-use, renovation, and other creative endeavors that preserve historic structures, create new structures, or otherwise enhance the private or public realm, and which add value and enhance or promote the character of downtown Clayton. To that purpose, the following incentives and disincentives are established in the Downtown Overlay District.

(b) Incentives:

- 1. Outdoor seating and dining areas, on private property and in public rights-of-way, shall be allowed with approval of a Zoning Compliance Permit and accompanying dimensioned site drawing complying with §155.311(B) "Outdoor Dining". In this instance and within this Overlay District, the Zoning Compliance Permit expressly

replaces any other requirement for a Site Plan application, unless the Planning Director determines otherwise or elevates the decision to a higher level.

A. Outdoor seating and dining areas shall be constructed of high-quality materials. Plastic or unfinished wood are not allowed for tables, chairs, planters, window boxes, or benches.

B. All accoutrements associated with outdoor seating and dining (tables, chairs, benches, planters, bollards, dividers, umbrellas, space heaters, lighting, entrance menus, etc.) shall be maintained to a high standard which demonstrates appreciation of the special character of the district.

2. Properties in the Downtown Overlay District may be developed at densities and intensities that are consistent with the Town's adopted Future Land Use Map.

3. Waiver of impact fees

A. Water/wastewater acreage, capacity, and nutrient offset impact fees are waived for all properties in the district that do not increase their meter size as a part of redevelopment or upfit.

4. Downtown properties that meet other eligibility requirements may apply for:

A. The Façade and Site Element Improvement Grant;

B. The Clayton Downtown Redevelopment Incentive Grant (CDRIG).

(c) Disincentives:

1. Any demolition of a historically-contributing building or structure in the district shall result in a one year moratorium prior to demolition and a one year moratorium following demolition of development applications and buildings permits upon that lot. The Town Council can waive the moratorium by a super majority vote if the proposed new development is determined to be in the best interest of adjacent property owners and the Town, according to the criteria outlined in either §155.706 "Subdivision Review", §155.707 "Site Plan Review", or other review, as appropriate.

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



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: Downtown Overlay District code revision

Existing title of Code Section(s): Downtown Overlay District

Code Section Number(s): Title XV, Article 155.204(D)

APPLICANT/CONTACT INFORMATION

Applicant: Planning Department, Town of Clayton

Mailing Address: PO Box 879, Clayton, NC 27528

Phone Number: 919-553-5002

Fax: _____

Contact Person: Jay McLeod

Email Address: jwmcLeod@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

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

Revise and update the Downtown Overlay District regulations, in conjunction with a concurrent revision of district's geographic area as well.

FOR OFFICE USE ONLY

Date Received:

NOV 18 2016

Amount Paid: N/A, Town initiated.

File Number:

2016-239-0A

Version 05/10/2016

Page 1 of 2

REQUIRED INFORMATION (to be submitted with the application)

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

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

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.
The revisions will further codify regulations and elaborate on the intent of the section, which protects the character of the downtown.

2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time.
The proposed changes add clarity and substance to the section, and represents an evolution of the district.

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

4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
Does not apply. The revisions do not violate any existing laws.

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, Senior Planner
Print Name


Signature of Applicant

11/17/2016
Date



**The Town of Clayton
Downtown Development Association Advisory Board
Minutes
Monday, February 13, 2017 @ 6:30 PM
GS 223 - Clayton Town Hall**

BOARD MEMBERS PRESENT:

James Lipscomb, Kim Lawter, Laurie Partlo,
Donna Steele, Paul Black, Heidi-Lee Peach,
Michael Grannis, Betsy Grannis, Jessica
Lloyd, Linda Edwards.

STAFF PRESENT:

Kaitlin Russo, Downtown Development
Coordinator and Laura Gray, Clerk to Board.

1 CALL TO ORDER

- a) Kaitlin Russo, Downtown Development Coordinator, called roll.

2 ADJUSTMENT OF THE AGENDA

- a) Mondo Roots sponsorship request moved to Item A.

3 OLD BUSINESS

- a) Review and approval of update to Downtown Overlay District Map.

ACTION: Recommend approval of updated Downtown Overlay District Map
to Council.

Motion: Betsy Grannis
Second: Donna Steele
Vote: Unanimous

4 NEW BUSINESS

- a) Mondo Roots request for sponsorship.

James Lipscomb presented Mondo Roots sponsorship request.

The board decided more information would be needed before they could move
forward with the request.

Item was continued until the next scheduled meeting.

ACTION: Motion to request more information from Mondo Roots and
postpone item until the next scheduled meeting.

Motion: Betsy Grannis
Second: Jessica Lloyd

Vote: Unanimous

- b) Review and approval of December 12, 2016 minutes.

ACTION: Motion to approve December 12, 2016 minutes.

Motion: Betsy Grannis

Second: Laurie Partlo

Vote: Unanimous

- c) Changes to Concert Series Dates.

Kaitlin Russo presented the concert date changes to the board.

ACTION: Recommend approval to Town Council of changes to the 2017 Concert Series Dates.

Motion: Betsy Grannis

Second: Heidi-Lee Peach

Vote: Unanimous

5 REPORTS

- a) Downtown Development Director:

Kaitlin Russo asked the board to select a new Awards Dinner date.

Ms. Russo provided information on the upcoming Main Street Conference.

Ms. Russo stated the sponsorship brochures are complete.

- b) Financial Report:

Jessica Lloyd provided an overview of the Clayton Downtown Development Association fundraising budget

Ms. Lloyd gave a brief summary of all Downtown Development Association's budget vs actual cost.

- c) Promotion Committee Chair:

Kim Lawter provided information on the 2017 Movie Nights and Concert Series.

- d) Economic Committee Chair:

Betsy Grannis noted the board has received kiosk quotes.

- e) Design Committee Chair:

Heidi-Lee Peach led an open discussion about the Gallery on Main Street.

6 OTHER BUSINESS

a) None.

7 ADJOURN

a) Motion to adjourn.

Motion: Betsy Grannis
Second: Jessica Lloyd
Vote: Unanimous

Chair

ATTEST:

Clerk to the Board

February 13, 2017
Minutes