



The Public may view the Live Council Meeting on the Town's YouTube Channel:
<https://www.youtube.com/TownofClaytonNC>

No Weapons Allowed Inside Council Chambers.

1. CALL TO ORDER

- a. Call to Order of the Planning Board Meeting
Presenter:
Jodie Dupree, Planning Board
- b. Roll Call of the Planning Board
Presenter:
Conrad Olmedo, Planning Director

2. ADJUSTMENT OF THE AGENDA

- a. **POTENTIAL ACTION:** Adopt the Agenda as Presented
Presenter:
Jodie Dupree, Planning Board

3. APPROVAL OF MINUTES

- a. Minutes: March 23, 2026

4. PUBLIC MEETINGS

- a. Unified Development Ordinance Text Amendment (UDOTA) 1-26
Presenter:
Conrad Olmedo, Planning Director
Review of the proposed UDOTA 1-26 and provide a recommendation to Town Council.

5. NEW BUSINESS

6. ADJOURNMENT

- a. **POTENTIAL ACTION:** Motion To Adjourn

INFORMATION FOR THE PUBLIC

About the Planning Board

The Planning Board is composed of volunteer members of the public who reside within the corporate limits and extraterritorial jurisdiction (ETJ) of the Town of Clayton. Members residing within the corporate limits are appointed by the Town Council and members residing in the ETJ are appointed by the Johnston County Board of Commissioners, with the recommendation of Town Council.

The Role of the Planning Board

The Planning Board is responsible for providing recommendations on Conditional and Conventional Rezonings, Text Amendments, and Town Plans. Decisions made by the

Planning Board are a recommendation only. Final decisions are made by the Town Council.

Providing Public Comment

At the discretion of the Planning Board Chair, the Planning Board welcomes public input and discussion during a Public Meeting,

Before Speaking:

- Wait until you are recognized by the Chair;
- Clearly state your full name and address for the record;
- Address your comments to the Planning Board; and
- Keep your comments to no more than three (3) minutes (you may be asked to conclude if you exceed that time).

ADA Compliance

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Town of Clayton should contact the office of Dolores Gill, ADA Coordinator at 919-553-5002 as soon as possible but no later than 48 hours before the scheduled event.

Contact the Planning Department

For questions about the Planning Board or items contained in this agenda packet, please contact the Planning Department at (919)553-5002 and ask for "Planning" or email planning@townofclaytonnc.org.

Additional Information

1. Planning Board Website: [Planning Board | Clayton, NC](#)
2. Planning Public Meetings and Hearings: [Public Meetings & Hearings | Town of Clayton](#)
3. Relevant North Carolina General Statutes: [NCGS § 160D-301. Planning boards.](#) and [NCGS § 160D-604. Planning board review and comment.](#)
4. UDO Information: [Unified Development Ordinance \(Adopted 11.17.25\)](#), Planning Board, UDO § 1.8.4 (Adopted 11.17.25) and Public Meetings, UDO § 2.4.9.D (Adopted 11.17.25).

< End of Information for the Public >



Town of Clayton
Planning Board Regular Meeting Minutes
Monday, March 23, 2026 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Pursuant to N.C. General Statute § 143-318.10(e), these minutes provide a general summary of the Planning Board meeting and do not represent a verbatim transcript. A complete video recording of this meeting is available for public access on the Town of Clayton's official YouTube channel: <https://www.youtube.com/user/TownofClaytonNC>.

Present:

Jodie Dupree, Chair
Derrick Applewhite, Vice-Chair
Daniel Gleason
Mike Surasky
Anita Bland
Deborah Hooker
Mark Hall
Tom McKearney
Randell Durham

Staff Present:

Conrad Olmedo, Planning Director
Haley Downey, Assistant Planning Director
Robert Tate, Senior Planner
Heidi Holland, Town Clerk
Emily Cauley-Schulken, Town Attorney

Absent:

Jason Carter

1. CALL TO ORDER

- a. Call to Order of the Planning Board Meeting

Board Chair Dupree called the meeting to order at 6:00 p.m.

- b. Roll Call of the Planning Board

Mr. Olmedo provided the roll call. With Board Member Carter absent tonight, Alternate Board Member Durham was able to vote on tonight's items.

2. PLANNING BOARD ELECTIONS

Election of the Planning Board Chair and Vice Chair.

- a. Accept nominations for Planning Board Chair and entertain a motion to vote.

Board Member Hall nominated Chair Dupree to continue for the year as Chair, seconded by Board Member McKearney.

Approve Nomination for Chair Dupree to Continue to Serve as Chair

| | |
|----------------|-------------------|
| Result: | Passed 9-0 |
| Mover: | Mark Hall |

| | |
|------------------|---|
| Seconded: | Tom McKearney |
| Yes: | Daniel Gleason, Mike Surasky, Anita Bland, Deborah Hooker, Derrick Applewhite, Mark Hall, Jodie Dupree, Tom McKearney, Randell Durham |
| No: | None |
| Absent: | Jason Carter |

b. Accept nominations for Planning Board Vice Chair and entertain a motion to vote.

Board Member Surasky nominated Vice-Chair Applewhite to continue serving as Vice-Chair, seconded by Board Member Hooker.

Approve Nomination for Vice-Chair Applewhite to Continue to Serve as Vice-Chair

| | |
|------------------|---|
| Result: | Passed 9-0 |
| Mover: | Mike Surasky |
| Seconded: | Deborah Hooker |
| Yes: | Daniel Gleason, Mike Surasky, Anita Bland, Deborah Hooker, Derrick Applewhite, Mark Hall, Jodie Dupree, Tom McKearney, Randell Durham |
| No: | None |
| Absent: | Jason Carter |

3. ADJUSTMENT OF THE AGENDA

a. No adjustments were made.

Adoption of Agenda as Presented

| | |
|------------------|---|
| Result: | Passed 9-0 |
| Mover: | Anita Bland |
| Seconded: | Randell Durham |
| Yes: | Daniel Gleason, Mike Surasky, Anita Bland, Deborah Hooker, Derrick Applewhite, Mark Hall, Jodie Dupree, Tom McKearney, Randell Durham |
| No: | None |
| Absent: | Jason Carter |

4. APPROVAL OF MINUTES

- a. February 23, 2026 Minutes

Adoption of Minutes

| | |
|------------------|---|
| Result: | Passed 9-0 |
| Mover: | Deborah Hooker |
| Secunder: | Mark Hall |
| Yes: | Daniel Gleason, Mike Surasky, Anita Bland, Deborah Hooker, Derrick Applewhite, Mark Hall, Jodie Dupree, Tom McKearney, Randell Durham |
| No: | None |
| Absent: | Jason Carter |

5. PUBLIC MEETINGS

- a. 2024-138-CZM Winston Pointe 3H Conditional Rezoning, Type 3

Presenter:

Robert Tate, Senior Planner

Board Member Bland recused herself from this item as she has a family member financially tied to this project.

Mr. Tate presented a request to rezone approximately 11.66 acres along Winston Road from Planned Development Residential (PDR) zoning to Conditional Residential Zoning (CZR). The subject property is currently vacant. He explained the proposal would allow up to 87 attached residential units, resulting in an approximate density of 7 to 7.5 units per acre. The request is inconsistent with the Future Land Use Map, which designated the area for low-density residential development at approximately three units per acre. Mr. Tate discussed nearby development patterns along Winston Road that support higher density residential uses and stated that the request is compatible with surrounding land uses. Staff reviewed the proposed conditions of approval, including limitations on the total number of units, access restrictions to Winston Road, and requested deviations from parking standards. Staff recommended approval of the request. Mr. Tate stated the Future Land Use Map would need to be amended if the rezoning is approved.

There were questions from the Board regarding the new vesting-related condition that would tie approvals to a site-specific plan, the proposed parking deviations and their consistency with prior phases of the development, anticipated traffic impacts related to the proposed density, and clarification regarding the request's inconsistency with the Future Land Use Map.

Toby Coleman, Attorney with Smith Anderson, was present on behalf of the applicant DR Horton. He stated with him tonight is Preston Royster with Thomas and Hutton Engineering, Traffic Engineer with McAdams Nate Bouquin, and Patty Harrell Hillburn with DR Horton.

He stated this application had previously been heard by Council in December 2025 and described it as an unusual case involving both a conditional rezoning and a master plan

amendment.

He explained that during the prior meeting, Council expressed concern that the proposal was being presented without a concept plan, which is typically required for a conditional rezoning. In response, the applicant returned with a detailed concept plan and additional supporting information. Although the request applies to an 11-acre portion of the larger development, staff required the team to analyze the proposal within the context of the entire master plan area.

Mr. Coleman stated that while the 11-acre site alone does not meet the Future Land Use Map density recommendations for low-density residential, the overall master plan area would average approximately 1.5 dwelling units per acre. He stated even when evaluating development south of Winston Drive only, the density would remain under three dwelling units per acre. He emphasized the site functions as a transition area within the larger development, with denser uses across Winston Drive, including a school, and a mobile home park to the east. When the master plan was originally adopted, land across Winston Drive had been intended for commercial use, which is why the Future Land Use Map designates the area as a neighborhood center.

Based on these surrounding uses and the transitional nature of the site, he stated the proposed townhomes were appropriate. He acknowledged Council's prior concerns about maintaining lower-density housing patterns but noted both the overall master plan and immediate context support this type of housing in this location.

He also addressed a prior question regarding a proposed condition related to vested rights and the Policy Choice Act. He explained the applicant was not seeking to create vested rights through the rezoning but wanted to avoid waiving any legal rights provided under North Carolina law. He stated the applicant remained willing to continue working with staff to resolve this issue.

Mr. Royster, with Thomas Hutton Engineers, presented additional details regarding the proposed development and provided an illustrative plan that offered more detail than the concept plan previously submitted. He clarified the additional plan had been submitted to NCDOT and was intended solely as an illustrative reference, with all elements remaining consistent with the concept plan included in the application. Staff confirmed the exhibit would not be considered part of the formal record but served as a visual aid.

Mr. Royster reviewed the project background, noting the consolidated master plan was based on the most recent approved plan and incorporated prior minor amendments at staff's request. Following Council direction at the previous meeting, the applicant returned with a formal concept plan, which staff reviewed and found to be consistent with both the master plan and UDO requirements, with the exception of two requested deviations.

He explained the proposed townhomes are intended as a transitional use between nearby neighborhood mixed-use areas, a mobile home park, and adjacent single-family residential neighborhoods. He stated while the site was originally designated for a church in earlier versions of the master plan, the abundance of churches in the area and statewide housing shortages supported conversion to residential use. The overall project density remains well below the low-density residential thresholds established in the Future Land Use Plan and the open space and active recreation requirements for the total master plan area exceed those originally required.

Traffic impacts were summarized, with Mr. Royster noting the original traffic impact analysis assumed significantly more residential units, commercial space, and institutional uses. With the revised plan eliminating commercial uses and reducing residential intensity, daily vehicle trips were projected to decrease by approximately 6,700 compared to the original analysis.

The two requested deviations were explained. The first would allow single-car garages to count as one required parking space, with an additional space provided in the driveway, which the applicant stated would reduce impervious surface area, support stormwater management, align with practices in other municipalities, and remain consistent with earlier phases of the development. The second deviation requested a reduction in guest parking spaces from the amount otherwise required, citing reduced usage demand and environmental benefits associated with minimizing excess pavement.

Board questions focused on pedestrian accommodations, guest parking locations, drainage design, buffering, roadway cross-sections, and long-term maintenance responsibilities. Mr. Royster explained sidewalks were not currently shown due to the roads being under NCDOT jurisdiction and to maintain consistency with earlier phases, though he acknowledged the design remained preliminary. Board members expressed concerns regarding walkability, access to active recreation, and long-term usability for residents, encouraging the applicant to consider sidewalks and on-site recreation amenities as the project advances.

Additional discussion clarified stormwater drainage, buffer reductions allowed by fencing, and the distinction between Town and NCDOT roadway standards. Board members emphasized the need for clarity in conditions to ensure Town standards apply outside the public right-of-way while acknowledging that NCDOT standards govern road design within it. Mr. Royster indicated willingness to continue discussions with staff and NCDOT as part of the ongoing review and refinement of the project.

During discussion of traffic impacts, Board Member Surasky asked whether the peak-hour trip numbers cited in the original traffic impact analysis were gross trips or included internal capture. Nate Bouquin,

Traffic Engineering Lead Nate Bouquin with McAdams, explained the figures referenced were gross trips and the analysis primarily accounted for pass-by trips rather than internal capture.

Board Member Surasky stated, while supportive of the proposed townhome use, there were broader concerns related to the overall master plan and transportation goals that could not be addressed through the current request. He stated the Town's recently adopted transportation plan emphasized village concepts and creating neighborhoods where residents can live, work, and play without needing to drive for most daily needs. He expressed concern that the proposed townhome development, without nearby shopping, employment, or active recreation, would require residents to drive for nearly all activities.

Board Member Surasky stated the original traffic analysis included a planned shopping center, which likely accounted for a significant portion of the projected trips. He stated with the commercial component removed, residents would now need to travel outside the neighborhood to access retail and services, which he felt conflicted with the intent of the transportation plan.

The Board discussed traffic safety and the alignment of Red Jasper Way in proximity to the nearby school, pedestrian safety considerations including sidewalks and DOT roadway constraints, the location and maintenance responsibilities of the proposed stormwater pond, the availability of active recreation and overall walkability, and the distribution and usability of guest parking. Several Board members expressed concerns regarding the lack of sidewalks, the absence of on-site active recreation facilities, and pedestrian safety given surrounding roadway conditions. Mr. Coleman indicated a willingness to explore incorporating on-site active recreation and to further evaluate sidewalk options, subject to design feasibility and coordination with the North Carolina Department of Transportation.

Chair Dupree stated this is a public meeting and asked if anyone from the public wished to speak. With no one wishing to speak, this was turned over to the Board.

The Board discussed potential additional conditions, including providing on-site active recreation within the development and installing sidewalks on at least one side of the street where feasible.

Vice-Chair Applewhite made a motion to approve the project with Motion #2 in the consistency statement, with conditions to recommend an active recreation space on the property and sidewalks on one side with feasibility of the plan, seconded by Board Member Hall.

Approve with Motion #2 in the Consistency Statement and Two Conditions Listed in Minutes

| | |
|------------------|--|
| Result: | Passed 8-0 |
| Mover: | Derrick Applewhite |
| Secunder: | Mark Hall |
| Yes: | Daniel Gleason, Mike Surasky, Deborah Hooker, Derrick Applewhite, Mark Hall, Jodie Dupree, Tom McKearney, Randell Durham |
| No: | None |
| Absent: | Jason Carter |
| Recuse: | Anita Bland |

6. NEW BUSINESS

Mr. Olmedo reminded Board members of upcoming UNC School of Government training opportunities and encouraged participation.

7. ADJOURNMENT

- a. With nothing further, the meeting was adjourned at 6:55 p.m.

Motion To Adjourn

| | |
|------------------|---|
| Result: | Passed 9-0 |
| Mover: | Deborah Hooker |
| Secunder: | Anita Bland |
| Yes: | Daniel Gleason, Mike Surasky, Anita Bland, Deborah Hooker, Derrick Applewhite, Mark Hall, Jodie Dupree, Tom McKearney, Randell Durham |
| No: | None |
| Absent: | Jason Carter |

Duly Adopted by the Planning Board on Monday, May 26, 2026 while in regular session.

Jodie Dupree
Chair

ATTEST:

Heidi L. Holland, MMC, NCCMC
Town Clerk



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@townofclaytonnc.org

Planning Board: May 26, 2026
Town Council Work Session: June 1 2026
Town Council Public Hearing: June 15, 2026

STAFF REPORT

| | |
|-------------------------------|---|
| Project Number: | UDOTA 1-26 |
| Project Name: | Unified Development Ordinance Text Amendments (UDOTA 1-26) |
| Property Pin #: | N/A |
| Location: | The entirety of the Town of Clayton Planning Area, which includes the Town’s Corporate Limit and Extraterritorial Jurisdiction (ETJ) |
| Applicant: | Conrad Olmedo, Planning Director Planning Department |
| Property Owner: | N/A |
| Public Noticing Dates: | Published on website: Legal ad published: N/A |
| Request: | Consideration of the following items related to Unified Development Ordinance Text Amendments (UDOTA 1-26): <ul style="list-style-type: none"> • Make a recommendation on Project Consistency Statement • Make a recommendation on UDOTA 1-26 |

PROJECT OVERVIEW

On November 20, 2023, the Town Council adopted the Town of Clayton Unified Development Ordinance (UDO). The UDO became effective on January 2, 2024 and has been the Town’s land use regulatory document since that date.

As part of the adoption of the UDO, it was understood that text amendments would be an integral part of keeping the UDO relevant and that recurring updates would allow the UDO to reflect feedback from its daily implementation, community input, and state law compliance.

UDOTA 1-26 represents the sixth round of UDOTA and consists of 9-line items. These changes include alignment with North Carolina General Statutes updates, editorial and technical clarifications, feedback from the public, and staff observations from implementation. This is the first round of revisions for the year 2026, following UDOTA 2-25, which was approved by Town Council on November 17, 2025.

UDOTA 1-26 Summary Table

UDOTA 1-26 changes are noted in the provided Summary Table (Attachment 1). Each line item has a number that corresponds to the number within the proposed redline text. For instance, the summary table’s [#05] on temporary uses corresponds with the noted [#05] within the provided UDOTA redline

document (Attachment 2). This allows for easy reference as to the origin and rationale of the proposed redline UDOTA.

REVIEW CRITERIA

Per UDO Section 2.3.28.G., “the advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Town Council may, but is not required to, consider whether and the extent to which the proposed text amendment:

1. Enhances the public’s health, safety, and welfare;
2. Is consistent with the Town’s Adopted Policy Guidance;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Addresses an unforeseen matter not present when the Ordinance was adopted;
6. Addresses other factors determined to be relevant by the Town Council; and
7. Would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.”

PLANNING BOARD CONSIDERATIONS

At the meeting on May 26, 2026, the Planning Board shall provide a recommendation to the Town Council.

TOWN COUNCIL CONSIDERATIONS

Staff are preparing to present the UDOTA 1-26 at the Town Council Work Session on June 1, 2026 and schedule a Public Hearing for the Town Council meeting on June 15, 2026.

STAFF RECOMMENDATION

UDOTA 1-26 is consistent with relevant goals and policies found in the Town of Clayton’s 2045 Comprehensive Growth Plan, and a recommendation of approval of the text amendment request is reasonable and in the public interest; see Motion 1 in the Consistency Statements Sheet (Attachment 3).

ATTACHMENTS:

1. UDOTA 1-26 Summary Table
2. UDOTA 1-26 Redline Changes
3. Consistency Statements Sheet
4. UDOTA 1-26 Presentation




Unified Development Ordinance Text Amendment (UDOTA) 1-26

This Summary Table includes the cross-reference, indicated by number and highlight, that is found in the redline UDOTA 1-26, the date added, the source of the recommended change, a short title, existing UDO Section and page references, and a description of the UDOTA.

| UDOTA ID | Date Added | Source/ Staff | Short Title | UDO Section # | UDO Page # | Description |
|----------|------------|---------------|--|------------------------------------|---------------------|---|
| #01 | 1/26/26 | Staff | Split Jurisdiction | 1.1.3 | 19 | Add language regarding a property having split jurisdiction to be able to submit for development review by the jurisdiction in which the majority of the property is, as per SL 2026-94 (HB 926), NCGS §160D-203 . |
| #02 | 1/26/26 | Staff | SUP Expiration | 2.3.23.M | 126 | Add language regarding the expiration of an SUP that is not vested that the current zoning or regulation applies, per SL 2026-94 (HB 926), NCGS §160D-705(c) . |
| #03 | 1/26/26 | Staff | Application Waiting Periods | 2.4.14.B, 2.4.15.A, 2.4.15.B | 174, 175 | Remove waiting period of a denied or withdrawn application to be resubmitted per SL 2026-94 (HB 926), NCGS §160D-601(e) and alignment with 2.4.14.B. on fees for a denied application shall not be refunded. |
| #04 | 1/26/26 | Staff | HOC – Sale of Firearms | 4.4.3.A, 4.5.5.Q.5.e | 354, 366 | Remove prohibition of sale, repair, and manufacture of firearms and clarify as an allowable use with Home Occupation, Level 1 (per NCGS §14-409.40). Keep prohibition on sale, repair, or manufacture of explosives and the discharge of firearms or explosives. Explosives are treated differently than firearms in NCGS as per G.S. 14-284 and G.S. 14-284.1 . |
| #05 | 1/26/26 | Staff | TUP – Offsite Parking | 4.6.5.H.2.d.i. | 386 | Add language that allows for a parking/staging area that is more than 1,000 linear feet with shuttling service. |
| #06 | 1/29/26 | Staff | Change of Use in Downtown Zoning Districts | 5.4.3.A, B | 397 | Clarification of the specific Downtown zoning districts to be specifically identified for change of use requirements. |
| #07 | 5/13/26 | Staff | Street Lights | 6.4.8.J | 474 | Increase of on-center for street lights to be 250 linear feet and to clarify compliance and funding for lights outside of the Town’s corporate limit. |
| #08 | 2/6/26 | Staff | Alternative Plans | 6.6.5, 6.9.9, 6.13.8 | 505, 556, 597 | Editing to make Alternative Plans for Landscaping, Parking, and Signs, their own Section Heading for ease of UDO navigation. |
| #09 | 1/27/26 | Staff | Short-Term Signs | 6.13.10.D | 619 | Correction of the size of sign area on graphic to be 32 SF to align with text. |

UNIFIED DEVELOPMENT ORDINANCE



 C O D I F Y
CLAYTON



Adopted: 11.20.23
Effective: 1.2.24
Amended: ~~11.17.25~~[6.15.26](#)

Town Council

Jody McLeod, Mayor
~~Michael Sims~~, [Andria Archer](#), Mayor Pro Tem
Ruth Anderson, Council ~~m~~Member
~~Andria Archer~~, Councilmember
Porter Casey, Council ~~m~~Member
[Amanda Underwood](#), Council Member
Gretchen Williams, Council ~~m~~Member

Planning Board

Jodie Dupree, Chair
Derrick Applewhite, Vice-Chair
Anita Bland, [Board Member](#)
~~Ronald Williams~~
Jason Carter, [Board Member](#)
Daniel Gleason, [Board Member](#)
Mark Hall, [Board Member](#)
Deborah Hooker, [Board Member](#)
Tom McKearney, [Board Member](#)
Mike Surasky, [Board Member](#)
[Randell Durham](#), [Board Alternate](#)
[Vacant](#), [Board Alternate](#)

Town Administration

Rich Cappola, Town Manager
[Dolores Gill](#), [Chief of Staff](#)
Lee Barbee, Deputy Town Manager
~~Dolores Gill~~, ~~Deputy Town Manager~~
~~Courtney Tanner~~, [Vacant](#), Deputy Town Manager
David Ranes, Fire Chief
Greg Tart, Chief of Police

Town Staff

~~Vacant~~ [Matt Proctor](#), Electric Director
Jonathan Ham, Engineering Director
Kinsey Holton, Assistant Engineering Director
Michael Tatum, Fire Marshal
Barry Alston, Inspections Director
Conrad Olmedo, Planning Director
Haley Downey, Assistant Planning Director
Joshua Baird, Water Resources Director

Consultant

Chad Meadows, CodeWright Planners, LLC



CodeWright
P L A N N E R S



1.1 APPLICABILITY

1.1.1 GENERALLY

The provisions of this Ordinance shall apply to the development of all land within the corporate limits and the Extraterritorial Jurisdiction (ETJ) of the Town of Clayton, as shown on the adopted Official Zoning Map, unless the development is located outside the corporate limits or ETJ and subject to a development agreement where these standards are applied.

1.1.2 APPLICATION TO GOVERNMENTAL UNITS

Except when stated elsewhere in applicable law, this Ordinance applies to the following units of government:

A. THE TOWN OF CLAYTON

Development by the Town or its agencies or departments.

B. COUNTY AND STATE GOVERNMENT

Development of buildings by State or County agencies or departments, public colleges or universities, or other political subdivisions of the State, in accordance with the standards in NCGS§160D-913.

C. THE FEDERAL GOVERNMENT

Development owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services, to the full extent permitted by federal law. For those activities of the federal government exempted from these regulations, compliance is strongly encouraged.

1.1.3 JURISDICTION

A. GENERALLY

The standards in this Ordinance shall apply to all development where these standards are applicable unless the development is expressly exempted by a specific section of this Ordinance, other Town requirement, or by State law.

B. SPLIT JURISDICTION

[Except in cases where a mutual agreement established in accordance with NCGS§160D-203\(a\) exists, when a lot or site is split by the Town's planning jurisdiction and another local government's planning jurisdiction, the development regulations from the local government with the largest share of the lot or site's land area shall apply to the entire lot. \[#01\]](#)

B.C. EXEMPTIONS FROM ZONING REQUIREMENTS

1. The following forms of development and activities are exempted from the zoning-related requirements of this Ordinance: **AMENDED 12.16.24 (UDOTA 3-24)**
 - a. Agricultural activities, agritourism, or forestry taking place on a property being used for bona fide farm purposes and located outside the City's corporate limits, in accordance with NCGS§160D-903; and
 - b. Forestry activities taking place on land being taxed at its present-use value as forestland or forestry activities taking place subject to a forestry management plan approved in accordance with NCGS§160D-921.
2. The phrase "bona fide farm purposes" shall refer to land subject to at least one of the following: **AMENDED 12.16.24 (UDOTA 3-24)**
 - a. A farm sales tax exemption certificate issued by the NC Department of Revenue;

- vii. Alterations affecting the form, ornamentation, or appearance of a principal or secondary structure as shown in the Concept Plan;
 - viii. Changes in density or intensity;
 - ix. Decreases in open space;
 - x. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected) or pedestrian access or circulation;
 - xi. A change in the amount or location of proposed landscaping or required screening; or
 - xii. Changes to site features that require the application of professional judgment or discretion by a licensed landscape architect, architect, or professional engineer.
- c. Major modifications must be reviewed and considered only in accordance with the procedures and standards established for the original application approval.

K. EXPIRATION

1. REPLACEMENT

If a special use is replaced by a use type permitted by right in the zoning district, the Special Use Permit and the corresponding Concept Plan approval is deemed abandoned and the Special Use Permit approval is null and void. **AMENDED 7.21.25 (UDOTA 1-25)**

2. FAILURE TO START OR COMPLETE CONSTRUCTION

Unless otherwise stated in the Special Use Permit approval, a Special Use Permit and the corresponding Concept Plan shall expire and become null and void two years after the date of issuance if: **AMENDED 7.21.25 (UDOTA 1-25)**

- a. An application for a Site Plan or Major Subdivision has not been filed;
- b. Substantial commencement of construction has not taken place; or
- c. Construction activities have started, but the owner has voluntarily stopped construction and substantial progress has not been maintained.

3. MULTIPLE BUILDING PERMITS

Where more than one principal building is included with an approved Special Use Permit, the applicant may submit a series of Building Permit applications. The first application shall be submitted within one year of the date the Special Use Permit is approved. Each subsequent Building Permit application shall be submitted within 180 days from the date of issuance of a Certificate of Occupancy or other final approval for the previous building.

4. REVERSION FOLLOWING EXPIRATION

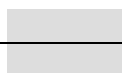
[If a Special Use Permit expires and does not become subject to vested rights, the base zoning district classification and all other applicable regulations continue to apply. \[#02\]](#)

L. REVOCATION

- 1. In the event of failure to comply with the plans or any other conditions imposed upon the Special Use Permit approval, the Planning Director shall give the permit holder 10 days written notice of intent to revoke the permit and request the permit holder to contact staff to set a reasonable time for the violation to be corrected.
- 2. A Special Use Permit may only be revoked in accordance with the procedure used to grant its approval.
- 3. If the permit is revoked and the special use has not ceased, the use is considered a violation of this Ordinance and subject to enforcement and penalties in Chapter 7, Violations.

M. VESTING

- 1. See Section 1.11.4D, Site-Specific Vesting Plan.



- E. Provision of a performance guarantee (see Section 2.3.20, Performance Guarantee) shall not be sufficient in cases where a review authority determines that required public infrastructure or required site features outside an active phase must be provided to ensure development functionality.
- F. Each new phase shall be developed contiguous or adjacent to an earlier phase, to the maximum extent practicable.

2.4.14 CONTINUANCE, WITHDRAWAL, AND ABANDONMENT

An applicant may request that a review authority's consideration of a development application be continued or withdrawn by submitting a written request to the appropriate review authority.

A. PROCEDURE FOR CONTINUANCE OF APPLICATIONS SUBJECT TO A PUBLIC HEARING

1. In cases where an applicant seeks a continuance of an application subject to a public hearing, but public notification of the hearing has not yet been provided, the Planning Director shall consider and decide the request.
2. If public notification of the pending public hearing has been provided in accordance with this Ordinance, the request for continuance shall be placed on the public hearing agenda and be considered by the review authority. Additional public notification may be required for a continued application.
3. A request for continuance may be approved in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, bring the application into closer alignment with the Town's adopted policy guidance or the requirements of this Ordinance, or for good cause, as determined by the review authority.

B. WITHDRAWAL

1. An applicant may withdraw an application at any time following submittal of a signed request to withdraw the application.
2. There shall be no waiting period for refileing a withdrawn application. ~~If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal.~~ [#03]
3. Application fees for withdrawn applications shall not be refunded.

C. ABANDONMENT

AMENDED 12.16.24 (UDOTA 3-24)

1. In cases where Town staff has notified the applicant in writing of a deficiency or a need for additional information in order to review or process an application and six consecutive months have lapsed with no response from the applicant, the application shall be considered abandoned, and the review process shall be halted.
2. Abandoned applications are considered withdrawn and shall be subject to the standards in Section 2.4.15, Reconsideration of Denied Applications.
3. In accordance with NCGS§143-755, permit choice rights are extinguished following a determination of application abandonment, and any subsequent re-applications shall be reviewed for compliance with the standards in effect at the time of application filing.
4. Abandoned applications are returned to the applicant and application fees shall not be refunded.



2.4.15 RECONSIDERATION OF DENIED APPLICATIONS

A. LEGISLATIVE DECISIONS

1. There shall be no waiting period preventing an applicant from refiling the same or a different development application following denial. [#03]
2. Application fees for denied applications shall not be refunded. [#03]

~~If a development application requiring a legislative public hearing is denied, no application proposing the same or similar development on all or part of the same site shall be submitted within one year after the date of denial unless the review authority approves a reduction in this time limit. For the purposes of this section, "the same or similar development" shall mean:~~

- ~~1. The same use type(s) in the same approximate location(s) as the denied application; or~~
- ~~2. The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.~~

B. QUASI-JUDICIAL DECISIONS

1. There shall be no waiting period preventing an applicant from refiling the same or a different development application following denial. [#03]
2. Application fees for denied applications shall not be refunded. [#03]

~~There is no time limit on resubmitting an application that is denied during an evidentiary public hearing provided that any subsequent application may not be similar or substantially similar to the application that was denied, in the sole discretion of the review authority responsible for the decision.~~

C. REDUCTION IN TIME LIMIT

The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for reduction of the time limit, along with a fee to defray the cost of processing the request, to the Planning Director, who shall transmit the request to the review authority. The review authority may grant the request only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
2. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
3. The new application proposed to be submitted is materially different from the prior application; or
4. The final decision on the prior application was based on a material mistake of fact.

2.4.16 AMENDMENT OF APPROVED APPLICATION

Except for Conditional Rezoning and Special Use Permits, applications identified as available for amendment in Section 2.3, Application Types, shall only be amended in accordance with the standards in this section. Amendments to a development application approval shall be considered as minor modifications or major modifications, and must be considered in accordance with the following:

A. MINOR MODIFICATIONS

1. Subsequent plans and permits for development may include minor modifications provided the development continues to meet the minimum requirements of this section. Minor



5. RESIDENTIAL USES

- a. Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters);
- b. Use of a structure that does not comply with the applicable State Building Code requirements as a permanent, single-family dwelling; and
- c. Use of a tent, recreational vehicle, or travel trailer as a permanent residence.

4.4.2 PROHIBITED BY OVERLAY DISTRICT STANDARDS

Regardless of how a use type is permitted or prohibited in Table 4.2.5, Listing of Common Principal Uses, if a lot or tract is located within one or more overlay zoning districts, any use type limitations in the overlay district standards (see Section 3.7, Overlay Zoning Districts) shall control.

A. WATERSHED PROTECTION OVERLAY DISTRICT

The following uses are prohibited in the WPOD:

1. New demolition or sanitary landfills;
2. New sites for land application of residuals;
3. New sites for land application of petroleum-contaminated soils;
4. Collection, storage, or application of untreated sewage; and
5. Collection, storage, or application of industrial or other wastes.

B. FLOOD PROTECTION OVERLAY DISTRICT

1. The following uses are prohibited in designated floodways:
 - a. Buildings, including manufactured homes;
 - b. Any use that would cause any increase in base flood levels; and
 - c. Accessory dwelling units within the regulatory floodplain.
2. The following development is prohibited in designated floodplains due to the North Carolina Flood Act of 2000:
 - a. New solid waste disposal facilities;
 - b. New hazardous waste management facilities;
 - c. New salvage or junkyards; and
 - d. New chemical storage facilities.

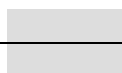
4.4.3 PROHIBITED AS SECONDARY USES

The following uses shall not be permitted as secondary uses within the Town's planning jurisdiction:

A. HOME OCCUPATIONS

In no instance shall a Level 1 or Level 2 home occupation include any of the following activities or use types:

1. Vehicle repair of any kind, whether to drive trains, body work, or other aspects;
2. Outdoor repair of any kind;
3. Outdoor storage of any kind;
4. Commercial nurseries or horticulture;
5. Food handling, processing, or packing with industrial-scale equipment;
6. Medical or dental labs;
7. Restaurants of any kind;
- 7.8. ~~Sale, repair, or manufacture of explosives; [#04]~~
- 8.9. ~~Sale, repair, manufacture, or d~~Discharge of firearms or explosives [#04];



4. The home occupation shall be conducted entirely within a dwelling unit or secondary structure. It must be a use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence.
5. Permitted home occupations include, but are not limited to:
 - a. Offices;
 - b. Personal services;
 - c. Day care of up to five children;
 - d. Catering, provided food is prepared solely with residential-grade equipment;
 - e. [Sale, repair, or manufacture of firearms or firearms ammunition, per NCGS §14-409.40](#) **[#04]**;
 - e.f. Tailoring; and
 - f.g. Handcrafting, and similar vocations.
6. No on-site retail sales, except for goods made on the premises, are allowed. Nothing shall prohibit the digital sale of material for delivery off-site.
7. Sale of vehicles, including trailers, as a commercial activity is prohibited. For the purposes of this section, more than two vehicle sales per calendar year from the same lot shall be considered commercial activity. **AMENDED 7.21.25 (UDOTA 1-25)**
8. Activities shall not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
9. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located.
10. No one may be employed who is not an occupant of the residence.
11. Instruction in music, dancing, art, or similar subjects shall be limited to no more than five students at one time.
12. Signs for home occupations shall be limited to incidental signs permitted in residential zoning districts (see [Section 6.13, Signage](#)).

R. HOME OCCUPATION, LEVEL 2

1. The level 2 home occupation shall be located on a lot or tract of one acre or more in area.
2. The total floor area of all buildings engaged in the home occupation shall not exceed the lesser of: 20% of the principal dwelling's floor area or 1,000 square feet.
3. All operations associated with the home occupation use shall maintain a minimum 50-foot setback from all lot lines.
4. A type C perimeter buffer configured in accordance with [Section 6.6.14, Perimeter Buffers](#), shall be installed along all lot lines abutting a residential district.
5. All operations associated with the home occupation shall be located behind the rear building line of the principal dwelling.
6. The person operating the home occupation shall reside on the property.
7. No more than two persons shall be employed other than those residing on the property.
8. Establishment of a level 2 home occupation shall require review of a site plan in accordance with [Section 2.3.22, Site Plan](#), and the site plan shall indicate the location of outside storage, if any, the proposed number of vehicles to be parked on the lot, and methods of screening.
9. The home occupation shall not be operated between the hours of 9 PM to 6 AM.
10. Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, professional and business services, or stock-in-trade clearly incidental to such services.

- a. A construction office shall be located on the same lot or site where the construction is taking place.
- b. A construction office shall not be located within required setbacks or easements.
- c. The construction office shall be removed from the site in accordance with **Table 4.6.4, Table of Common Temporary Uses and Duration**.
- d. Construction office uses may accommodate up to 100 percent of the required off-street parking on a different lot or site provided:
 - i. The most distant parking space is located within 1,000 linear feet [or when a shuttling service is provided to the parking area #05](#); and
 - ii. Provided there is an improved pedestrian access between the parking area and the use being served.

I. TEMPORARY USES ON TOWN-OWNED LAND IN THE PUB DISTRICT

1. PURPOSE AND INTENT

This section provides standards for temporary uses and structures on Town-owned lots located in the PUB zoning district. This section outlines the permitting requirements and standards for temporary uses and structures often required as a part of new projects and routine maintenance on Town facilities.

2. APPLICABILITY

The provisions of this section shall only apply to lands in the Public Facilities (PUB) zoning district. These provisions shall apply to all types of applications regardless of the review procedures by which they are approved, unless otherwise specified in this Ordinance. These standards may be modified by other applicable standards or requirements in this Ordinance.

3. STANDARDS

At the Planning Director's discretion, a Temporary Use Permit may be granted for placement of mobile or modular structures in the PUB district for up to one year, subject to the following standards:

a. GENERALLY

All temporary uses and structures shall:

- i. Not be placed within a public right-of-way;
- ii. Meet all current zoning standards for building height, impervious surface, and setbacks;
- iii. Have active Building and Zoning Compliance Permits;
- iv. Be shown on an approved Site Plan and Construction Drawings;
- v. Conform to structural strength and uplift requirements;
- vi. Show the occupancy, means of egress, and occupant load for all temporary structures;
- vii. Be provided with a portable fire extinguisher in accordance with the State Building Code;
- viii. Not include permanent alterations to the site; and
- ix. Not interfere with the normal operations or any permanent use on the site.

b. TEMPORARY PARKING

- i. Temporary parking areas associated with uses subject to these standards may be unpaved and may be used regardless of whether a structure exists at the site.
- ii. Temporary parking areas are exempt from the standards in **Section 6.6.13, Off-Street Parking Lot Landscaping**.

c. TEMPORARY USE PERMIT RENEWAL

- i. Upon expiration, a Temporary Use Permit may be renewed for up to one year by the Town Council.
- ii. A Temporary Use Permit approved under this section may be renewed up to two times.

5.4 NONCONFORMING SITE FEATURES

5.4.1 APPLICABILITY

- A. Applications that include any of the following actions shall address nonconforming site features in accordance with the standards in this section:
1. Changes of principal use within an existing single-tenant structure;
 2. Demolition of all or substantially all of an existing principal structure;
 3. Expansion to the floor area of an existing principal structure totaling 75 percent or more of the structure's assessed value; or
 4. Expansion of the outdoor use area of 50 percent or more.
- B. For purposes of this section, the term "nonconforming site features" includes only the following:
1. Nonconforming off-street parking and associated driveways or vehicular access; **AMENDED 7.21.25 (UDOTA 1-25)**
 2. Nonconforming landscaping;
 3. Nonconforming screening;
 4. Nonconforming open space set-aside;
 5. Nonconforming walls or fences; and
 6. Nonconforming exterior lighting.
- C. Town staff may develop administrative guidelines to assist in the implementation of this section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into compliance with the requirements of this Ordinance because of particular site constraints or impacts on adjacent sites.
- D. Applications for development on sites with existing structures that do not comply with applicable design standards shall be subject to the applicability standards in Section 6.2.3, Mixed-Use Design Standards, Section 6.2.4, Multi-Family Design Standards, or Section 6.2.5, Non-Residential Design Standards, as appropriate.

5.4.2 DETERMINATION OF COST AND ASSESSED VALUE

- A. For the purposes of determining if upgrading of nonconforming site features is required by this section, the cost of the expansion shall be as shown on the approved building permit application. In cases where no building permit is required, the applicant shall provide a written cost estimate detailing the cost of the expansion. The Planning Director may require a written cost estimate to be reviewed by a licensed professional engineer to ensure accuracy.
- B. Assessed value shall be based on the most recently available tax records from the county where the development is located.

5.4.3 CHANGE OF USE

- A. Except on lots in the [DTNC, DTNN, DTNT, or CZD zoning](#) ~~Downtown~~ districts, in cases where an existing principal use in a single-tenant building is replaced by a different use type or a vacant principal structure is proposed for occupancy by a new principal use, all nonconforming site features shall be brought into full compliance with all applicable requirements in this Ordinance. [\[#06\]](#)
- B. In cases where the principal use within a principal structure on a lot within the [DTNC, DTNN, DTNT, or CZD zoning](#) ~~Downtown~~ districts is subject to a change in use, nonconforming site features associated with screening, fences, walls, and exterior lighting shall be brought into full compliance with all applicable requirements of this Ordinance. Full compliance with off-street parking, landscaping, or open space set-aside shall not be required, but are encouraged. [\[#06\]](#)

- B. In cases where a subdivision includes streets and intersections subject to these standards, the subdivider shall coordinate with the Town or Duke Energy Progress, as appropriate, or other designated electrical service provider to prepare a street lighting plan that identifies the location and configuration of required street lights.
- C. The infrastructure plan associated with the subdivision shall include the street light plan.
- D. Street lights, where provided, shall be located within the street right-of-way.
- E. Street lights shall maintain a maximum on-center spacing of ± 250 linear feet unless topographic or safety concerns mandate a different configuration. [#07]
- F. Street lights shall generally be located on the opposite side of the street from the closest adjacent street light.
- G. All street lights shall be located inside full cut-off fixtures mounted on non-corrosive poles served by underground wiring.
- H. The light structure and light color of street lights shall be consistent throughout the subdivision.
- I. Nothing shall limit a subdivider from providing street lights in areas beyond street intersections provided the street lighting is configured in accordance with NCDOT or Town policy guidance and provided the owners' association is responsible for street light maintenance.
- J. Lights proposed on streets located outside the Town's corporate limits shall comply with the requirements of this section; however, the Town shall not provide funding for the acquisition or operation of lights located outside the corporate limits. [#07]

6.4.9 MEASUREMENT

A. MEASURED AT THE LOT LINE

Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.

B. MEASURED AT FINISHED GRADE

Measurements shall be made within one foot of the finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

C. MEASUREMENT DEVICE

Measurements shall be taken with a light meter that has been calibrated within two years and by a person certified to operate the device.



C. PHASED DEVELOPMENT

Development subject to these standards that is planned in phases may submit a landscape plan for the entire development, or separate landscape plans for each phase, which shall be approved as part of development of that phase.

6.6.5 ALTERNATIVE LANDSCAPE PLANS [#08]

1. GENERALLY

AMENDED 7.21.25 (UDOTA 1-25)

- a. An alternative landscape plan may be proposed as part of a Site Plan or Major Subdivision application in accordance with Section 2.3.2, Alternative Plan. Revisions to the landscaping portions of an already-approved Site Plan or Subdivision shall be considered in accordance with Section 2.4.16, Amendment of Approved Application.
- b. When proposed, an alternative landscape plan shall be reviewed and decided by the Planning Director prior to a decision on the associated Site Plan or Major Subdivision, and based on the standards in this subsection.

2. CONDITIONS JUSTIFYING ALTERNATIVE LANDSCAPE PLAN

Any of the following natural physical conditions may be used as a justification for an alternative landscape plan:

- a. Wetland areas;
- b. Topography;
- c. Non-arable soils;
- d. Difficult or unusual lot configuration;
- e. Utility or drainage easements;
- f. A desire to retain existing on-site vegetation;
- g. Natural rock formations;
- h. Required landscaping areas that are shaded; and
- i. Impractical situations that would result from the application of this section.

3. INTENT

To be approved, any alternative landscape plan shall meet the intent of the applicable planting area(s) and the purpose and intent of the landscaping standards of this section.

4. ALLOWABLE MODIFICATIONS

- a. The following landscape standards may be modified by an alternate landscape plan:
 - i. The location of required plant materials;
 - ii. The width of required planting areas;
 - iii. The configuration of required plant materials;
 - iv. The species of required plants, provided however that invasive species shall not be used; and AMENDED 7.21.25 (UDOTA 1-25)
 - v. The number of required plant materials.
- b. The alternative landscape plan shall include justification for the modifications requested, based upon but not limited to, the following:
 - i. The presence or planned location of public utilities, infrastructure, or easements;
 - ii. The location of existing healthy vegetation or other beneficial site features to be retained after development;
 - iii. The size, shape, or topographic elevation of the site relative to the street(s) it abuts;
 - iv. The inability to secure designated plant species due to a lack of commercial availability within a reasonable proximity; and



6. In no instance shall the Town require pavement design standards that exceed the NCDOT's pavement design standards. Pavement design standards may be less restrictive than the NCDOT's pavement design standards only in cases where they are approved, signed, and sealed by a professional engineer. **AMENDED 7.21.25 (UDOTA 1-25)**

FIGURE 6.9.7.M: PARKING LOT SURFACE MATERIALS



7.

8.

N. VEHICLE BACKING

Vehicular use areas shall be designed so that a vehicle is not required to back onto a street to enter or exit the parking lot, a parking space, or a stacking space.

6.9.8 PARKING FLEXIBILITY

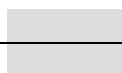
Development may deviate from the off-street parking requirements in this section through the requirements and procedures in Section 2.3.1, Administrative Adjustment, Section 2.3.31, Variance, or Section 6.9.9, [Alternative Parking Plan \[#08\]](#). **AMENDED 7.21.25 (UDOTA 1-25)**

6.9.9 ALTERNATIVE PARKING PLAN [#08]

AMENDED 7.21.25 (UDOTA 1-25)

1. GENERALLY

- a. An alternative parking plan may be proposed as part of a Site Plan or Major Subdivision application in accordance with Section 2.3.2, Alternative Plan. Revisions to the off-street parking portions of an already-approved Site Plan or Major Subdivision shall be considered in accordance with Section 2.4.16, Amendment of Approved Application.
- b. When proposed, the alternative parking plan shall be reviewed and decided by the Planning Director prior to a decision on the associated Site Plan or Major Subdivision, and based on the standards in this subsection.



viii. Is overgrown by vegetation.

2. OBSOLETE SIGNS

- a. Signs identifying business establishments that are no longer in operation shall be removed from the premises within 180 days from the date of termination.
- b. For the purposes of this sub-section, removal of a sign shall mean:
 - i. The removal of the entire sign including all supports and mounting hardware; or
 - ii. The removal of the just the sign's face.
- c. The decision as to whether the entire sign is removed or just the sign face is removed shall be at the discretion of the landowner. Failure to provide a decision to the Town may result in Town action in accordance with Section 6.13.7H.3, Failure to Remove Signage.
- d. In cases where the entire sign is removed, all sign supports, sign framework, mounting hardware, or similar features shall also be removed.
- e. In cases where only the sign face is removed, all internal elements, internal frameworks, wiring, or mounting hardware associated with the sign face shall be obscured from view by fully covering them with painted plywood, rigid plastic, or other permanent material that includes no copy or other embellishment. Coverings shall be of a neutral, non-reflective color. The plywood, rigid plastic, or other covering shall be mechanically attached to the sign support structure. In no instance shall fabric, vinyl, or other non-permanent material be used to obscure sign cabinets, framework, or mounting hardware.

3. FAILURE TO REMOVE SIGNAGE

Failure of an owner to remove an obsolete or dilapidated sign face or sign structure may result in removal of the sign face or sign structure at the owner's expense following provision of written notice to the owner by the Planning Director.

4. INSPECTION

If, through inspection, the Planning Director determines that a sign or sign supporting structure does not comply with the provisions of these regulations, the Town shall take action in accordance with the standards in Chapter 7, Violations.

I. PUBLIC ART AS SIGNAGE

1. Painted or printed murals or other forms of public art shall not be considered as signage subject to these standards in cases where the art or mural does not incorporate a direct or indirect reference to a tradename, trademark, or the name of the establishment associated with the mural or artwork. Public art shall be subject to the standards in Section 4.5.5D, Art Installation.
2. Public art or murals that incorporate a direct or indirect reference to a tradename, trademark, or the name of the establishment associated with the mural or public art shall be considered as wall signage subject to the applicable standards in this section.

J.6.13.8 ALTERNATIVE SIGN PLAN [#08]

AMENDED 7.21.25 (UDOTA 1-25)

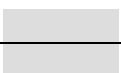
1. GENERALLY

- a. An alternative sign plan may be proposed as part of a Sign Permit application in accordance with Section 2.3.2, Alternative Plan. Revisions to an already-approved Sign Permit shall be considered in accordance with Section 2.4.16, Amendment of Approved Application.

D. SHORT-TERM SIGN

AMENDED 7.21.25 (UDOTA 1-25)

| | | | | | | |
|-----------------------------------|---|--|-------------------------|--|----------------------------------|-----------------|
| 1. DEFINITION | A temporary sign comprised of rigid material (such as plywood, corrugated plastic (polypropylene), acrylic, PVC board)), or similar material that is mechanically-attached to a building wall or suspended above the ground via a pole or rigid structural framework, but is not permanently affixed and is intended to be removed when no longer in use. Temporary signage that is not rigid is a "banner" sign or a "flag." Incidental signs are permanent signs. Signs visible through a window are "window" signs. | | | | | |
| | 2. DISTRICTS WHERE PERMITTED | CON, PUB | RESIDENTIAL, CZR | OFI, NCM | DTNC, DTNT, CZD, MXD, CZM | CRM, CZC |
| | Yes | Yes | Yes | Yes | Yes | Yes |
| 3. DIMENSIONAL STANDARDS | MAXIMUM NUMBER OF SHORT-TERM SIGNS PER LOT | 1 per lot + 1 per non-residential tenant in a multi-tenant development | | | | |
| | MAXIMUM SIGN HEIGHT [1] | Residential Districts | | 6 feet | | |
| | | All Other Districts | | 12 feet | | |
| | MAXIMUM SIGN FACE AREA | Residential Districts | | 6 square feet | | |
| | | All Other Districts | | 32 square feet [2] | | |
| | MINIMUM SETBACK | 10 feet from the edge of pavement or minimum necessary to avoid placement within a street right-of-way [3] | | | | |
| | MAXIMUM DURATION | Up to a total of 30 days per site per calendar year [4] | | | | |
| MAXIMUM FREQUENCY | Not more than twice per site per calendar year [4] | | | | | |
| NOTES: | <p>[1] Sign support structures shall be included in maximum sign height and face area.</p> <p>[2] In the case of a multi-tenant building, the short-term sign provided to each individual tenant shall not exceed 6 square feet in area.</p> <p>[3] Signs in a unified development shall be at least 10 feet from the outside perimeter boundary of the development.</p> <p>[4] In instances where the property upon which a short-term sign is located is actively marketed for sale or lease, the maximum duration may be extended until the property is no longer actively marketed.</p> | | | | | |
| 4. ADDITIONAL REQUIREMENTS | a. Short-term signs shall not be located within a street right-of-way. | | | | | |
| | b. Short-term signs may not be illuminated. | | | | | |
| | c. Short-term signs shall not block windows or doors. | | | | | |
| 5. SAMPLE CALCULATION #09 | <p>In Residential Districts</p> <ul style="list-style-type: none"> A Maximum Height = 6' B Maximum Sign Face Area = 6 sf C Min. Setback from Lot Line = 10' | | | <p>In Nonresidential Districts</p> <ul style="list-style-type: none"> A Maximum Height = 12' B Maximum Sign Face Area = 32 sf C Min. Setback from Lot Line = 10' | | |
| | | | | | | |



Consistency Statements Sheet

The Planning Board may choose from one of the four suggested motions below.

Staff Recommends the Option in Red Bold Text

Motion 1: Approve – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to recommend approval of the Unified Development Ordinance Text Amendments, UDOTA 1-26, based on consistency with the adopted 2045 Comprehensive Growth Plan, in that:

- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.**
- Policy LU 1.1 Manages future growth and encourages quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.**
- Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.**

This action is reasonable and in the public interest, in that:

- The 2045 Comprehensive Growth Plan encourages an up-to-date Unified Development Ordinance.**
- The request is compatible with providing a relevant and community-reflective land use regulatory framework.**

Motion 2: Approve – Inconsistent with the 2045 Comprehensive Growth Plan⁴

I make a motion to recommend approval of the Unified Development Ordinance Text Amendments, UDOTA 1-26. While the request is inconsistent with the adopted 2045 Comprehensive Growth Plan, in that:

- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- Policy LU 1.1 Manages future growth and encourages quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.
- Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.

This action is reasonable and in the public interest, in that:

- The 2045 Comprehensive Growth Plan encourages an up-to-date Unified Development Ordinance.

- The request is compatible with providing a relevant and community-reflective land use regulatory framework.

Motion 3: Deny – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to recommend denial of the Unified Development Ordinance Text Amendments, UDOTA 1-26, while the request is consistent with the adopted 2045 Comprehensive Growth Plan, in that:

- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- Policy LU 1.1 Manages future growth and encourages quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.
- Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.

This action is reasonable and in the public interest, in that:

- The 2045 Comprehensive Growth Plan does not support a request of this manner as necessary in maintaining an up-to-date Unified Development Ordinance.
- The request is incompatible with providing a relevant and community-reflective land use regulatory framework.

Motion 4: Deny – Inconsistent with the 2045 Comprehensive Growth Plan

I make a motion to recommend denial of the Unified Development Ordinance Text Amendments, UDOTA 1-26, based on inconsistency with the adopted 2045 Comprehensive Growth Plan, in that:

- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- Policy LU 1.1 Manages future growth and encourages quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.
- Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.

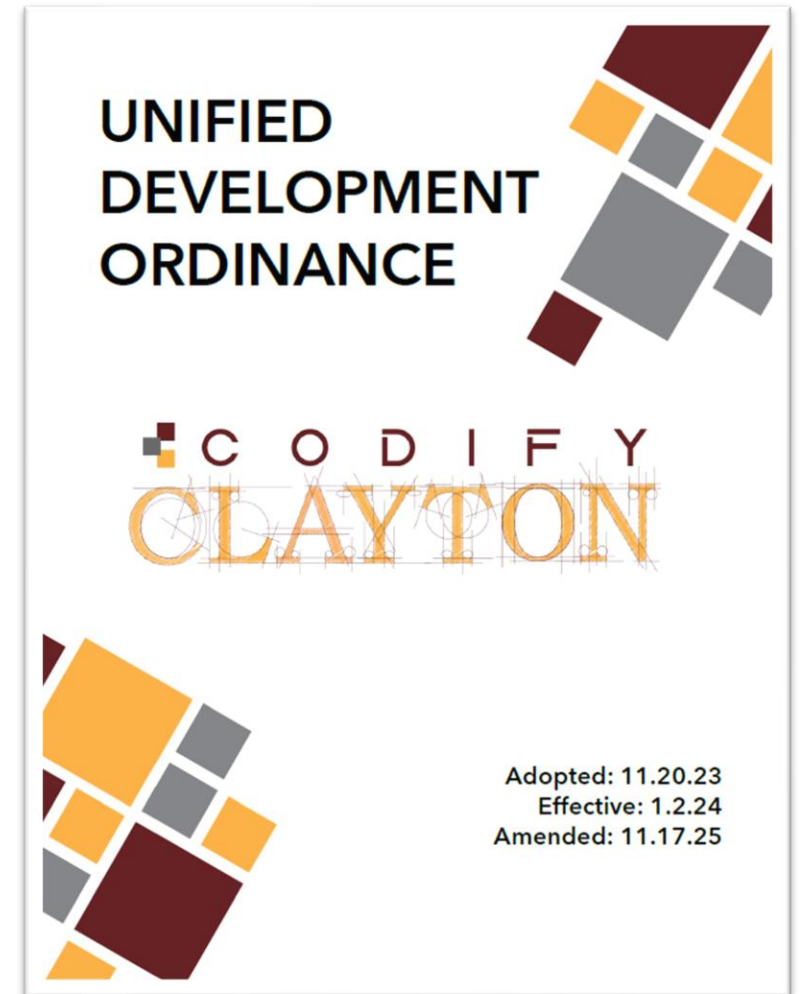
This action is reasonable and in the public interest, in that:

- The 2045 Comprehensive Growth Plan does not support a request of this manner as necessary in maintaining an up-to-date Unified Development Ordinance.
- The request is incompatible with providing a relevant and community-reflective land use regulatory framework.

Unified Development Ordinance (UDO) Text Amendment (UDOTA 1-26)



- ◆ 6th round of UDO Text Amendments
- ◆ 9 changes overall changes made
- ◆ Summary Table with UDO redline references, e.g. (#02)
- ◆ Planning Board Public Meeting on 5.26.26
- ◆ Town Council Work Session on 6.1.26
- ◆ Public Hearing at Town Council Meeting on 6.15.26



Summary Table



- ◆ UDOTA Redline numbers align with the Summary Table, e.g. [#03].

| UDOTA ID | Date Added | Source/Staff | Short Title | UDO Section # | UDO Page # | |
|----------|------------|--------------|--|------------------------------------|---------------------|--|
| [#01] | 1/26/26 | Staff | Split Jurisdiction | 1.1.3 | 19 | Add language regarding development review 2026-94 (HB 926), N |
| [#02] | 1/26/26 | Staff | SUP Expiration | 2.3.23.M | 126 | Add language regarding regulation applies, |
| [#03] | 1/26/26 | Staff | Application Waiting Periods | 2.4.14.B, 2.4.15.A, 2.4.15.B | 174, 175 | Remove waiting period 94 (HB 926), NCCGS application shall not |
| [#04] | 1/26/26 | Staff | HOC - Sale of Firearms | 4.4.3.A, 4.5.3.C.5. | 354, 366 | Remove prohibition use with Home Occ or manufacture of e treated differently t |
| [#05] | 1/26/26 | Staff | TUP - Offsite Parking | 4.6.5.H.2.d.i. | 386 | Add language that shuttling service. |
| [#06] | 1/29/26 | Staff | Change of Use in Downtown Zoning Districts | 5.4.3.A, B | 397 | Clarification of the s of use requirements |
| [#07] | 5/13/26 | Staff | Street Lights | 6.4.8.J | 474 | Increase of on-cent funding for lights o |
| [#08] | 2/6/26 | Staff | Alternative Plans | 6.6.5, 6.9.9, 6.13.8 | 505, 556, 597 | Editing to make Alt Heading for ease of |

2.4.15 RECONSIDERATION OF DENIED APPLICATIONS

A. LEGISLATIVE DECISIONS

1. There shall be no waiting period preventing an applicant from refileing the same or a different development application following denial. [#03]
2. Application fees for denied applications shall not be refunded. [#03]

If a development application requiring a legislative public hearing is denied, no application proposing the same or similar development on all or part of the same site shall be submitted within one year after the date of denial unless the review authority approves a reduction in this time limit. For the purposes of this section, "the same or similar development" shall mean:

1. The same use type(s) in the same approximate location(s) as the denied application; or
2. The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.

B. QUASI-JUDICIAL DECISIONS

1. There shall be no waiting period preventing an applicant from refileing the same or a different development application following denial. [#03]
2. Application fees for denied applications shall not be refunded. [#03]

There is no time limit on resubmitting an application that is denied during an evidentiary public hearing provided that any subsequent application may not be similar or substantially similar to the application that was denied, in the sole discretion of the review authority responsible for the decision.

Summary Table



- ◆ Align properties with split jurisdiction per SL 2026-94 (HB 926), NCGS §160D-203 [#01].
- ◆ Align Special Use Permit expirations per SL 2026-94 (HB 926), NCGS §160D-705(c) [#02].
- ◆ Align application resubmittals per SL 2026-94 (HB 926), NCGS §160D-601(e) [#03].
- ◆ Align Home Occupations per NCGS § § 14-409.40, 14-284, 14-284.1 [#04].

Summary Table, Continued



- ◆ Addition of offsite parking for Construction Office Temporary Uses [#05].
- ◆ Clarification for Change of Use to Downtown zoning districts [#06].
- ◆ Update for Street Light placement on center and clarification on when located in ETJ [#07].
- ◆ Reformatting of Alternative Plans to be their own Heading [#08].
- ◆ Correction of figure for Short-Term signs [#09].

Next Steps



- ❑ Planning Board Recommendation on May 26, 2026
- ❑ Town Council Work Session on June 1, 2026
- ❑ Town Council Public Hearing on June 15, 2026
- ❑ Revise UDO with changes per UDOTA 1-26
- ❑ Post Updated UDO onto Town Website

Questions for Staff?



UNIFIED
DEVELOPMENT
ORDINANCE

C O D I F Y
CLAYTON

Adopted: 11.20.23
Effective: 1.2.24
Amended: ~~11.17.25~~6.15.26

The central graphic is a white rectangular box containing the title "UNIFIED DEVELOPMENT ORDINANCE" in bold black text. Below the title is the word "CODIFY" in a spaced-out font, with "CLAYTON" in a larger, orange, serif font below it. The text is overlaid on a faint grid pattern. The box is decorated with abstract geometric shapes in maroon, orange, and grey. In the bottom right corner, the adoption and amendment dates are listed.