



**The Town of Clayton
Town of Clayton Planning Board Agenda
Monday, February 27, 2017 @ 6:00 PM
Town Council Chambers**

1. CALL TO ORDER

2. ROLL CALL

3. ADJUSTMENT OF THE AGENDA

4. APPROVAL OF MINUTES

- a. December Meeting Minutes
[Planning Board Minutes](#)

5. REPORTS AND COMMENTS

6. OLD BUSINESS

7. NEW BUSINESS

- a. 2017-10-SP Stallings Station Dialysis Expansion.

The applicant is requesting major site plan approval for a 3,294 square foot expansion to the existing Stallings Station Dialysis Center.

[Staff Report 2017-10-SP](#)

[Staff Report Map 2017-10-SP](#)

[Application 2017-10-SP](#)

[Neighborhood Meeting Materials 2017-10-SP](#)

[Site Plan 2017-10-SP](#)

[Parking Variance Request 2017-10-SP](#)

- b. 2017-05-SP Novo Nordisk ECIA Pump Station.

Requesting to construct a new sanitary sewer pump station, with a capacity of 3 million gallons per day, to convey wastewater flow from East Clayton Industrial Area (ECIA).

[Staff Report 2017-05-SP](#)

[Staff Report Map 2017-05-SP](#)

[Application 2017-05-SP](#)

[Neighborhood Meeting Materials 2017-05-SP](#)

[Site Plan 2017-05-SP](#)

- c. 2017-15-RZ Town Property at Amelia Church Road.

Requesting to rezone Town owned property from R-E (Residential-Estate) to O-I (Office Institutional).

[Staff Report 2017-15-RZ](#)

[Staff Report Map 2017-15-RZ](#)

[Application 2017-15-RZ](#)

[Neighborhood Meeting Materials 2017-15-RZ](#)

- d. 2017-21-OA Chapter 200 Amendment - Use Table and Zoning Districts

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

[Staff Report 2017-21-OA](#)

[Application 2017-21-OA](#)

[Chapter 200 Draft 1 2017-21-OA](#)

8. INFORMAL DISCUSSION AND PUBLIC COMMENT

9. ADJOURN



**The Town Of Clayton
Clayton Planning Board Minutes
Tuesday, December 20, 2016 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Frank Price [Chair] (ETJ), Bob Ahlert [Vice Chair] (TL), Jim Lee (ETJ), Marty Bizzell (ETJ), Stephen Powers (TL), George "Bucky" Coats (TL).

STAFF PRESENT:

David DeYoung, Planning Director; Haley Hogg, Town Planner and Laura Gray, Clerk to Board.

MEMBERS ABSENT:

James Lipscomb (ETJ), Sarah Brooks (TL), Ronald Johnson (TL), Michael Grannis (Mayor Pro Tem) and Bob Satterfield (Councilman).

1 CALL TO ORDER

- a) Frank Price, Chair, called the meeting to order.
- b) David DeYoung, Planning Director, called roll.

2 ADJUSTMENT OF THE AGENDA

- a) None.

3 APPROVAL OF MINUTES

- a) November 28, 2016 Planning Board Minutes.

ACTION: Motion to approve November minutes.

Motion: Bob Ahlert
Second: Marty Bizzell
Vote: Unanimous

4 REPORTS AND COMMENTS

- a) None.

5 OLD BUSINESS

- a) None.

6 NEW BUSINESS

a) 2016-227-SUP IGT Technology Special Use Permit

The applicant is requesting a Special Use Permit to operate a warehouse business in an existing and vacant building located in a Special Use District.
NC Pin: 166800-84-0769
Tag: 05i04017

Haley Hogg, Town Planner, presented IGT Technology to the Planning Board.

The applicant is requesting a Special Use Permit to operate a warehousing business in an existing and vacant building.

The company is proposing to lease 40,000 square feet of the building to conduct their operations, which is primarily the repackaging and shipping of lottery machines. The applicant is proposing to operate the warehousing business temporarily within the structure, with the lease ending in April 30, 2017.

Ms. Hogg stated the property is zoned B-3 SUD (Highway Business Special Use District). The use is permitted outright within the B-3 zoning district, but the Special Use Overlay requires new use applications to go through the special use process in order to be permitted.

Since the applicant is requesting to locate in an existing building, and no changes are proposed to be made to the property, the applicant submitted the existing approved site plan. Staff has reviewed the existing plan and has determined that no changes are needed to the site to meet code requirements.

The site has existing landscaping that is in compliance with UDC requirements.

The request is consistent with the 2040 Comprehensive Plan and the Unified Development Code (UDC).

Ms. Hogg stated staff recommends approval with conditions.

No questions for staff.

Cameron Sullivan, 104 N. Fayetteville Street, represented the applicant.

No questions for Mr. Sullivan.

Conditions of Approval:

1. All dumpsters shall be screened entirely from view, as required within the Unified Development Code (155.402(G)(2)).

ACTION: Motion to recommend approval, with conditions, of 2016-227-SUP to Town Council

Motion: Bob Ahlert
Second: George "Bucky" Coats
Vote: Unanimous

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

- a) No public was present.

8 ADJOURN

- a) Motion to adjourn.

Motion: George "Bucky" Coats
Second: Frank Price
Vote: Unanimous

Frank Price, Chair

ATTEST:

Clerk to the Board



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

February 20, 2017

STAFF REPORT

Application Number: 2017-10-SP

Project Name: Stallings Station Dialysis Center Expansion Major Site Plan

NC PIN / Tag #: 165807-67-6892 / 05G02011E
Applicant: Draper Aden Associates
Owner: Health Systems Management, Inc.
Location: Off of Barber Mill Road, just south of the HWY 42 W/Barber Mill intersection

Public Noticing:

- Neighborhood meeting February 17, 2017
- Sign posted prior to February 17, 2017

REQUEST: The applicant is requesting major site plan approval for a 3,294 square foot expansion to the existing Stallings Station Dialysis Center.

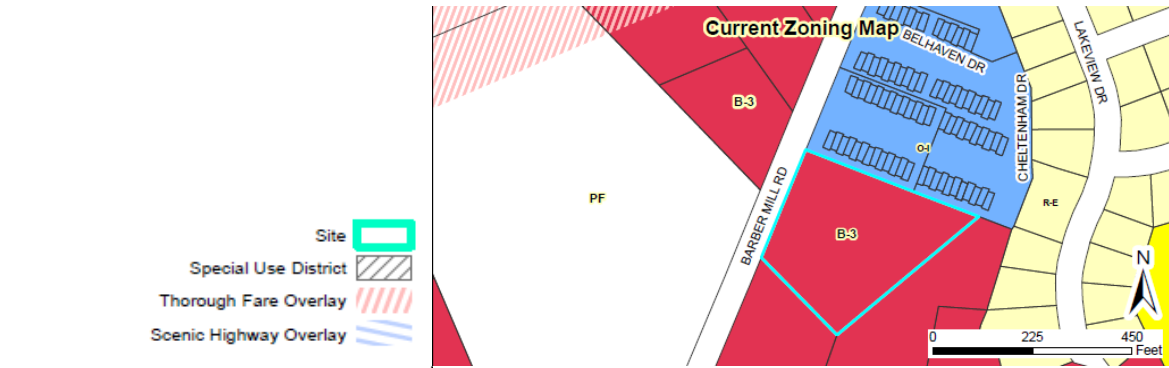
SITE DATA:

Acreage: 2.48 acres
Existing Use: Medical Office



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Office-Institutional	Townhomes
South	Highway Business	Office
East	Highway-Business	Vacant
West	Public Facilities	Town of Clayton Operations Center



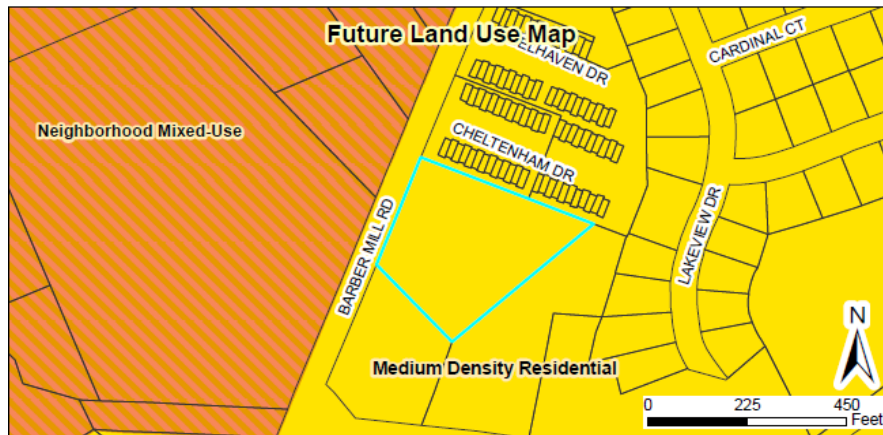
DEVELOPMENT DATA:

Proposed Uses:	Medical Office
Buildings:	1 existing building (3,294 square foot expansion to be added)
Impervious Surface:	1.95 acres total (includes expansion)
Existing Parking:	45 spaces (2 handicap)
Proposed Parking:	48 spaces (3 additional spaces)
Required Parking:	57 spaces (1 space per 1000 square feet of warehouse & 1 space per 200 square feet medical office)
Access/Streets:	There is an existing driveway located off Barber Mill Road

STAFF ANALYSIS:

Overview

The applicant is requesting major site plan approval to expand the existing Stallings Station Dialysis Center by adding a 1,741 square foot warehouse and a 1,553 square foot home therapy wing. The expansion will increase the number of seats for the facility, and will provide a space for patients to learn how to administer dialysis at home. In order to accommodate the expansion some of the parking will be removed and relocated, and the applicant has submitted a request for an alternative parking plan. The southern portion of the property has 100' of future right-of-way reserved in order to accommodate the future Southern Connector.



Consistency with Adopted Plans:

- Comprehensive Plan 2040**
 The request is generally consistent with the Comprehensive Plan 2040 Future Land Use Map, which designates the subject property as "Medium Density Residential". The existing use is compatible with the existing and anticipated future surroundings.
- Unified Development Code**
 The proposed use of the property is generally consistent with the Unified Development Code. A request for an alternative parking plan has been submitted and shall be decided upon by Planning Board.

Landscaping and Buffering

This development is existing and currently has a Class "B" landscape buffer provided to the north (against Office-Institutional, O-I). No other landscape buffers have been required since all other property lines abut on properties that are also zoned Highway-Business (B-3). The applicant is proposing to provide interior landscaping in order to shield all parking areas and other vehicular use areas from the public right-of-way, as required within the UDC.

Access/Streets

Access into the proposed site will be via a driveway off Barber Mill Road.

Multi-Modal Access

Sidewalk is proposed along Barber Mill Road. Some technical difficulties appear to have it stopped short of the northern property line.

Parking/Alternative Parking Plan Request

As a part of this expansion, the parking requirement for the site is 57 spaces. The site has 45 existing parking spaces, and the applicant is proposing to add three additional spaces to have 48 total parking spaces. The applicant has submitted parking data (included as an attachment to this staff report) which ultimately requests the total number of parking spaces for this site be modified. Due to the nature of this facility, staff is comfortable with the request to modify the parking requirements for the site. As stated in the applicant's request, dialysis patients visit the facility for large periods of time each visit (4 to 5 hours min.), which means that patients are not constantly coming and going throughout the day. It is also worth noting that the applicant is limited in how much space the

property has to expand parking facilities since 100' of the southern portion of the site is reserved as future right-of-way to accommodate the future Southern Connector. This request shall ultimately be decided upon by Planning Board, per UDC requirements.

Although the applicant is showing the handicapped parking restriped to the Town's existing standard, they have expressed the concern that they would prefer to continue with the existing striping pattern, which is a federally acceptable handicap parking standard.

APPROVAL CRITERIA:

The applicant has addressed the Major Site Plan Approval Criteria outlined in UDC Section 155.707.

CONSIDERATIONS:

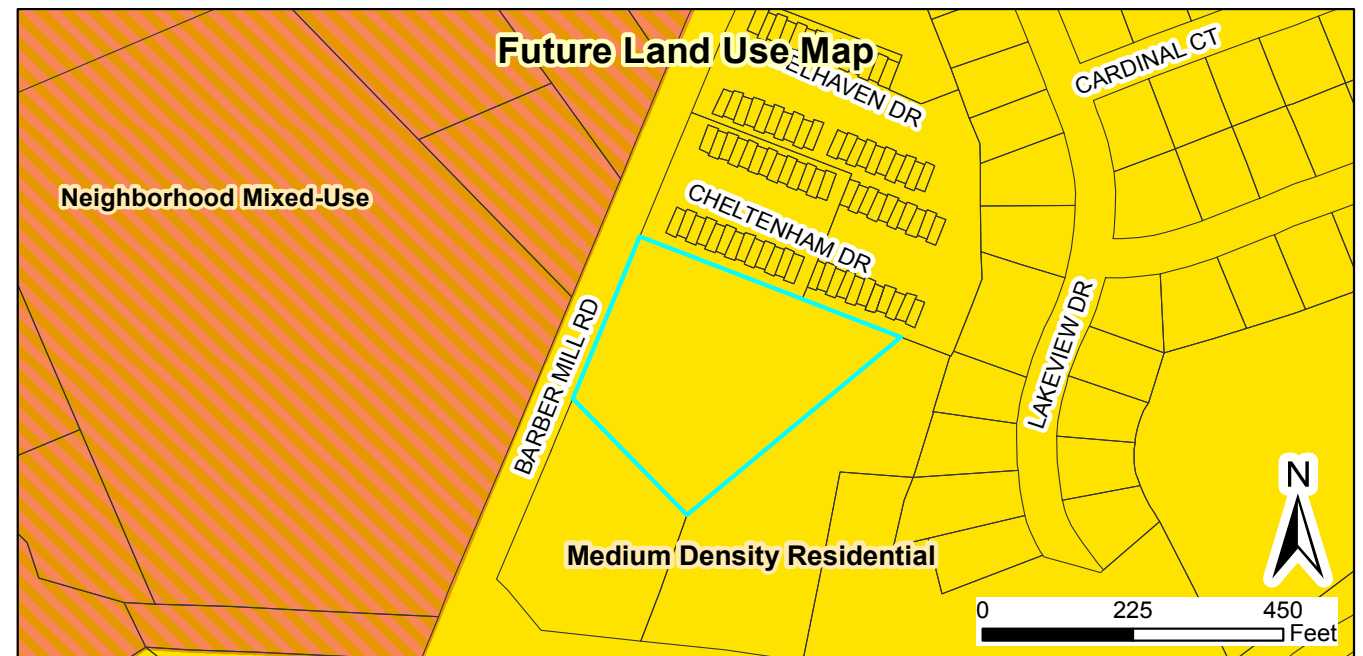
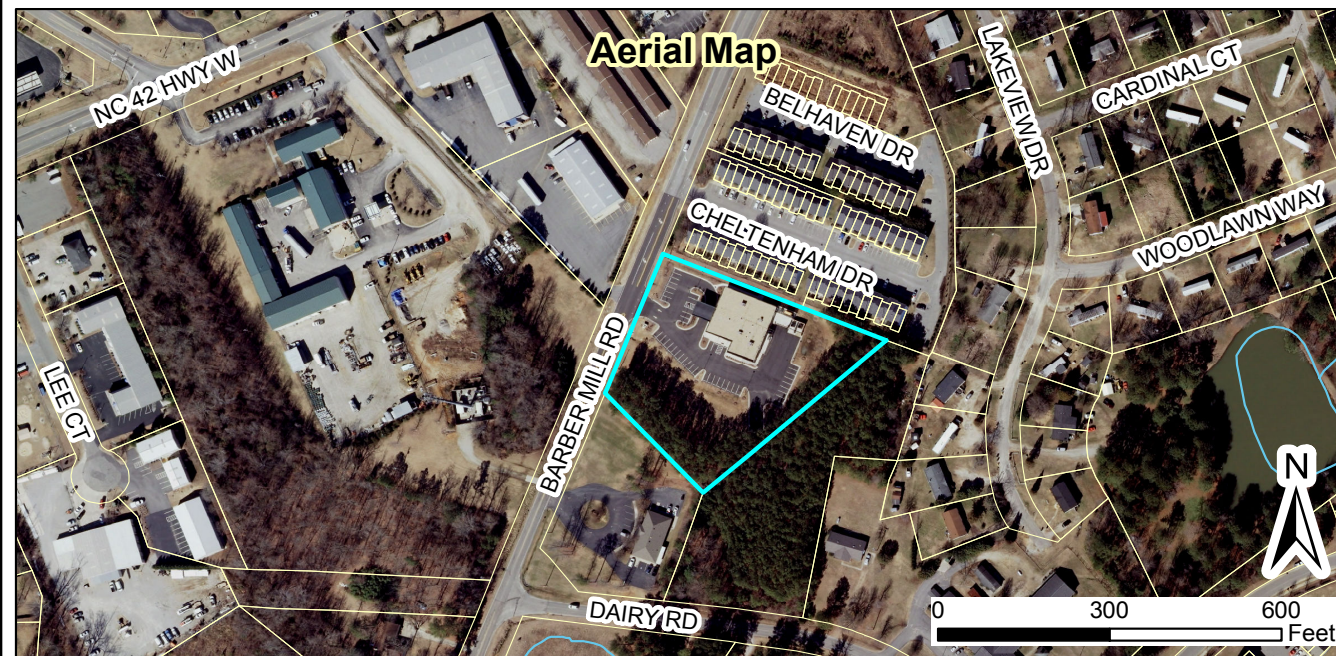
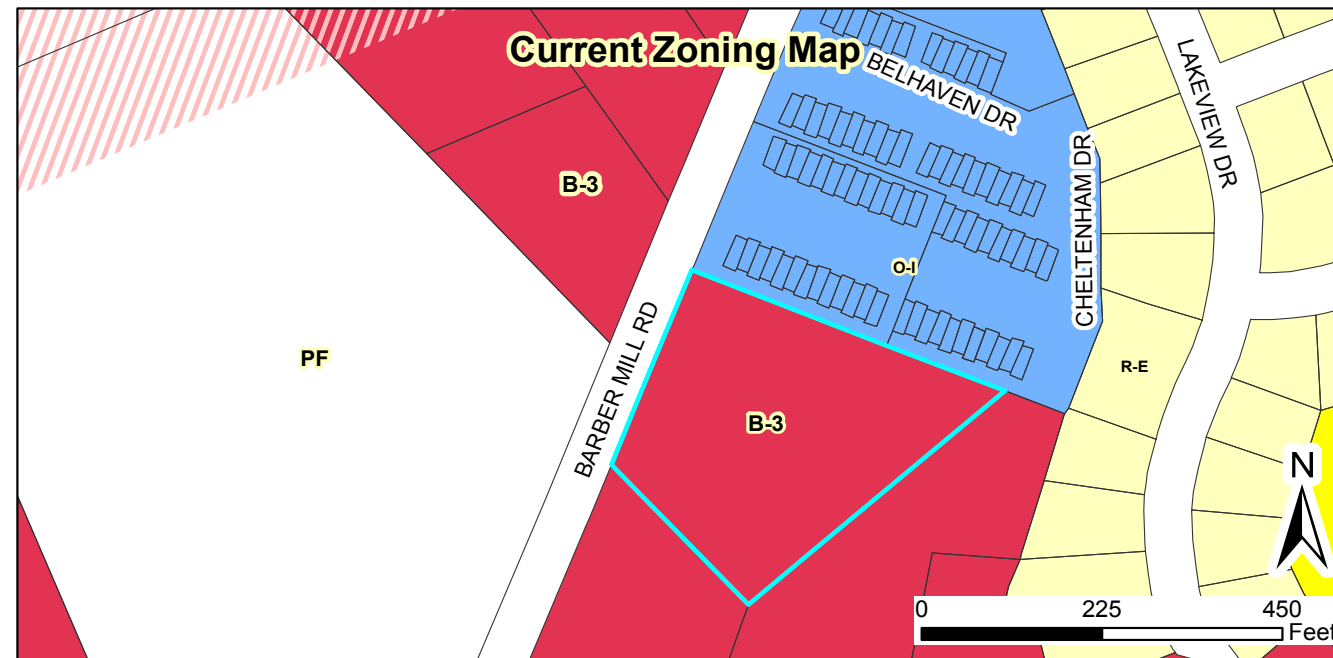
- Planning Board approves Major Site Plans.
- Planning Board approves Alternative Parking Plans.
- The site is adjacent to the planned Southern Connector Blvd.
- The site has unique topographical challenges.
- The site is a modest expansion of an existing facility.

RECOMMENDATION:

1. Staff is recommending approval of the above referenced Major Site Plan
2. Staff is recommending approval of the Alternative Parking Plan submitted by the applicant to allow a total of 48 parking spaces for the facility

ATTACHMENTS:

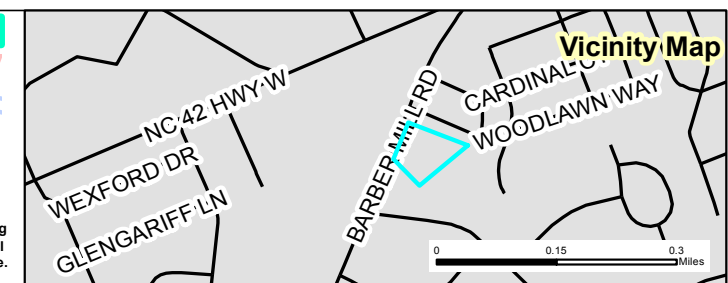
- 1) Application
- 2) Staff Report Maps
- 3) Site Plan
- 4) Alternative Parking Plan Request
- 5) Neighborhood Meeting Materials



2016-10-SP Stallings Station Dialysis Center Expansion
Request: Major Site Plan approval to expand the existing facility
 Applicant: Draper Aden Associates
 Property Owner: Health Systems Management, Inc.
 TAG #: 05G02011E



Site 
 Thorough Fare Overlay 
 Scenic Highway Overlay 
 2/20/17
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Document Path: O:\PLANNING\SITE PLANS\Major Site Plans\2017\2017-10-SP Stallings Station Dialysis Expansion\Maps\Staff Rpt Map - Stallings Station Expansion- 2016-10-SP.mxd



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

MAJOR SITE PLAN APPLICATION

Pursuant to Article 7, Section 155.707 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Planning Board to approve a Major Site Plan application. Please complete all fields in this application and submit to the Planning Department with all required materials.

Application fee: \$500.00 + \$5.00 per acre. All fees are due when the application is submitted.

SITE INFORMATION

☐ New Major Site Plan

☒ Major Modification to an approved site plan
Project Modified: clayton dialysis center 08'

Stallings Station Dialysis
Name of Project: Center Expansion Acreage of Property: 1.78 acres
County Tag #: 05G02011E NC PIN: 4679221
Address/Location: 5420 Barber Mill Road

Existing Use: Medical Office Proposed Use: Medical Office
Zoning District: Highway Business (B-3)

Is project within a Planned Development? ☒ No
☐ Yes (list): _____

Is project within an Overlay District? ☒ No
☐ Yes (list): _____

FOR OFFICE USE ONLY

Date Received: <u>FEB 01 2017</u>	Amount Paid: <u>\$510.00</u>	File Number: <u>2017-10-SP</u>
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RECEIVED
TOWN OF CLAYTON
PLANNING DEPARTMENT

PROPERTY OWNER INFORMATION

Name: Health Systems Management Inc.
Mailing Address: 1804 Tifton, GA 31793
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION

Applicant: Draper Aden Associates
Mailing Address: 46W Washington Street, Coats NC 27521
Phone Number: 910-897-7070 Fax: 910-897-6767
Contact Person: Andrew P. Mericle, PE
Email Address: americle@daa.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Major Site Plan application.

To be completed by the applicant:			To be completed by staff:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☒	☐			
2. I have referenced the <i>Plan Requirements Checklist</i> and used this as a guide	☒				
3. Site Plan Review Fee (\$500 + \$5/acre)	☒				
4. Completed application	☒				
5. Owner's Consent Form	☒	☐			
6. Plan sets meeting the requirements listed in the <i>Plan Requirements Checklist</i>	☒	☐			
7. Adjacent property owners list	☒	☐			
8. Wastewater allocation request OR verification of wastewater allocation	☒	☐			
9. Signed and sealed traffic impact analysis (2 copies) (required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC)	☐	☒			
10. Neighborhood meeting notice letter (1 copy)* See sample letter and meeting requirements included in this packet *Not required for subdivisions that are part of an approved planned development	☒	☐			
11. Neighborhood meeting summary form (1 copy) * Included in this packet *Not required for subdivisions that are part of an approved planned development	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

*will be delivered with the Neighborhood meeting package

EXPLANATION OF PROJECT

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

This project expands the capability of the current dialysis center to both address the current deficit of available chairs, but also install a home therapy wing to allow those able patients to learn how to administer at home dialysis. The project does seek to gain a variance to the parking requirements as this medical office does not have regular turnover of daily patients, but long appointments of which many are not self driven, but dropped off. Our included parking study includes previously completed dialysis in other municipalities as well as historical data from this particular site.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Board of the Town of Clayton to approve the subject Major Site Plan. 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.

Andrew P. Mericle
Print Name


Signature of Applicant

2/1/17
Date



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

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: STALLINGS STATION DIALYSIS CENTER'S EXPANSION Address or PIN #: 5420 BARBER MILL RD.

AGENT/APPLICANT INFORMATION:

ANDREW MERICLE, P.E.
(Name - type, print clearly)

46 W WASHINGTON STREET
(Address)
COATS, NC 27521
(City, State, Zip)

I hereby give CONSENT to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (list applicable requests below):

MAJOR SITE PLAN & ZONING
COMPLIANCE

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

Sandra S Kemp
(Name - type, print clearly)

P.O. Box 7710
(Address)

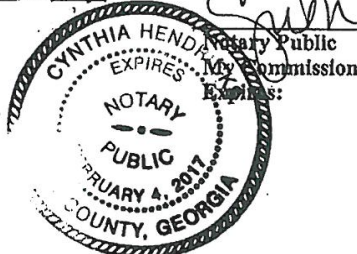
Sandra S. Kemp
(Owner's Signature)

Tifton, GA 31793
(City, State, Zip)

STATE OF Georgia
COUNTY OF Tift

Sworn and subscribed before me Cynthia Hendricks, a Notary Public for the above State and County, this the 4th day of February, 2017.

SEAL



February 4, 2017

August 2015

Page 9 of 9



Draper Aden Associates

Engineering • Surveying • Environmental Services

46 W. Washington Street
Coats, North Carolina 27521
(910) 897-7070 • Fax (910) 897-6767
www.daa.com

February 7, 2017

Dear Clayton Area Property Owner:

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

Neighborhood Meeting Information: **5420 Barber Mill Road, Clayton NC on 2.17.17 at 6:30pm**
Upcoming Public Meeting for this application: **Town Hall on 2.24.17 at 6 pm**

Type of Application: Major Site Plan Amendment

Project Address: 5420 Barber Mill Road

Project Description: Expanding the current dialysis center to accommodate the need for more treatment and start a home therapy program. This will add several spaces to the parking lot.

The following items will be available for your inspection at the Neighborhood Meeting:

- A copy of the project application
- A schedule of all upcoming public meetings for the application
- A map at scale to show the project parcel and the surrounding parcels and roads
- A drawing to scale showing the proposed improvements on the subject parcel

The enclosed map shows the parcel that is slated for improvements.

If you have any questions prior to or after this meeting you may contact us 910-897-7070. You may also contact the Planning Department at 919-553-5002.

Sincerely,

DRAPER ADEN ASSOCIATES

Andrew P. Mericle, PE
Associate

APM

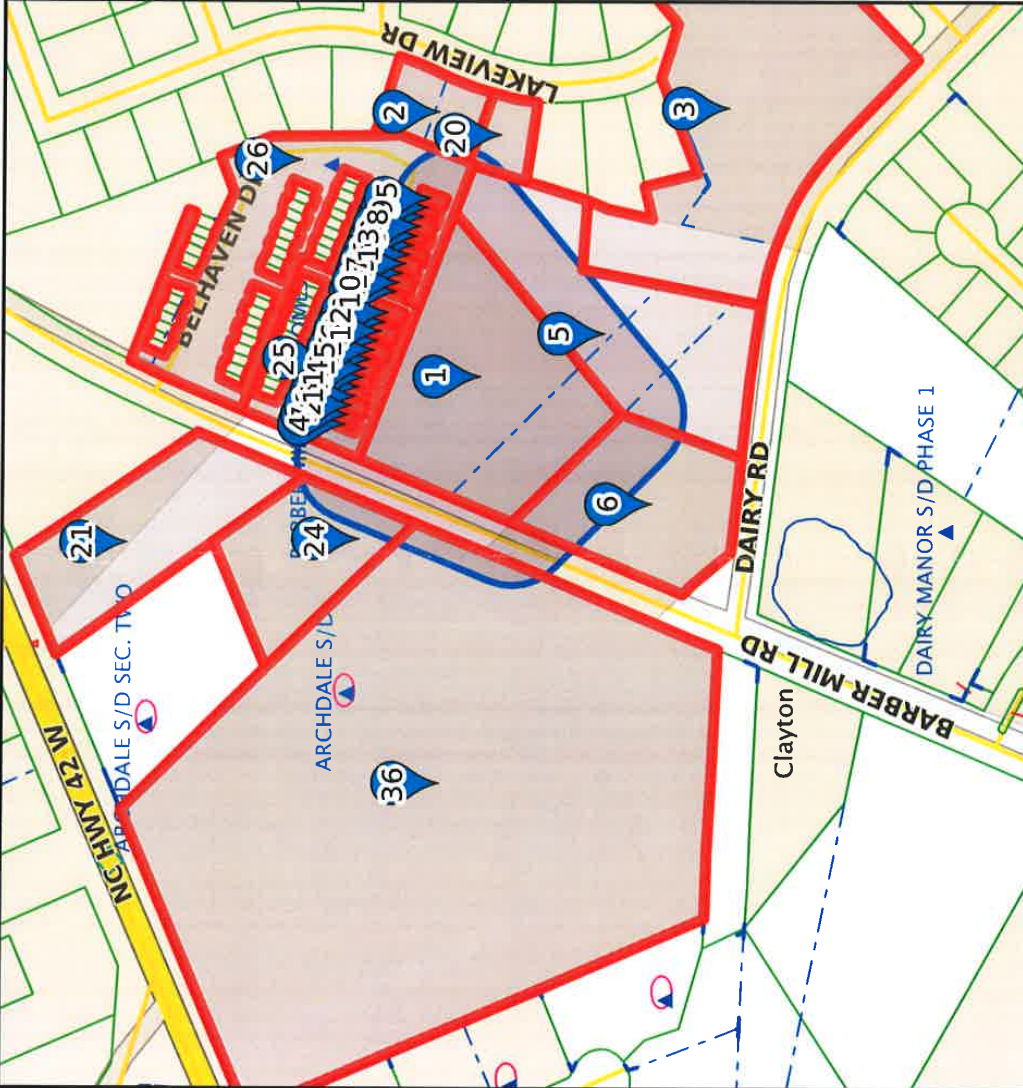
cc: Town of Clayton Planning Department

Blacksburg, VA • Charlottesville, VA • Hampton Roads, VA • Northern Virginia • Richmond, VA
Coats, NC • Fayetteville, NC



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result 1

id: 05G02011E
Tag: 05G02011E
Tax Unique Id: 4679221
Owner Name 1: HEALTH SYSTEMS
MANAGEMENT INC
Owner Name 2:
Mail Address 1: 1804 KING RD
Mail Address 2:
Mail Address 3: TIFTON, GA 31793-0000
Book: 03698
Page: 0671

Result 2

id: 05E99005N
Tag: 05E99005N
Tax Unique Id: 4736531
Owner Name 1: AVILEZ, ANA CRISTINA
PENALOZA
Owner Name 2:
Mail Address 1: 1108 CARDINAL CT
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2802
Book: 04735
Page: 0641



Scale: 1:3175 - 1 in. = 264.6 feet
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: STALLINGS STATION DIALYSIS CENTER EXPANSION

Application: MAJOR SITE PLAN

Location/Date: ONSITE 2/17/17

	NAME	ADDRESS
1	ANDREW MERICLE DRAPER ADEN ASSOCIATES	930 MAIN CAMPUS DRIVE, RALIEGH NC
2	Aaron Carrow FRESENIUS MEDICAL CARE	409 West Main St Washington NC 27889
3	JIM SWANN FRESENIUS MEDICAL CARE	3090 DUNN RD, EASTVILL, NC 28312
4		
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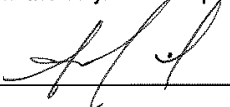
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MAJOR SITE PLAN

Date of Mailing: 2/7/17

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

Printed Name: ANDREW MERICLE Signature: 

Date of Meeting: 2/17/17 Time of Meeting: 6:30 PM

Location of Meeting: STALLINGS STATION DIALYSIS CENTER

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

ENGINEER AND OWNER OPENED MEETING AT 6:30 PM AND
CLOSED THE MEETING AT 7:00 PM AFTER NO ATTENDEES
ARRIVED.

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

NAME OF PROJECT: STALLINGS STATION DIALYSIS CENTER EXPANSION
ADDRESS: 5420 BARBER MILL ROAD
CLAYTON, NC 27520

OWNER: HEALTH SYSTEMS MANAGEMENT INC.
1804 KING ROAD
TIFTON, GA 31793

ENGINEER: DRAPER ADEN ASSOCIATES
48 W. WASHINGTON ST
COATS NC 27521
910-897-7070

PIN: 4679221

COUNTY TAG: 05G02011E

DEED REFERENCE: DB 03698 PG 0671

ZONE CLASSIFICATION: B-3

FLOODPLAIN: ZONE X, FIRM 3720165800J, UPDATED 12.2.05

SITE AREA: 1.78 ACRES

LIMITS OF DISTURBANCE: 0.38 ACRES

EXISTING BUILDING: 9,315 SF

PROPOSED BUILDING EXPANSION: 1,741 SF OF WAREHOUSE AND 1,553 SF OF MEDICAL OFFICE

EXISTING IMPERVIOUS AREA: 0.96 ACRES

PROPOSED IMPERVIOUS AREA: 0.99 ACRES(3.1% INCREASE)

PARKING SPACES REQUIRED: 57 SPACES (2 SPACES FOR 1741SF OF WAREHOUSE AND 55 SPACES FOR 10868 SF OF MEDICAL OFFICE)

PARKING SPACES PROVIDED: 50 SPACES (2 ADA SPACES)

LANDSCAPE BUFFER: CLASS B PROVIDED TO THE NORTH (O-I), NO OTHER PROPERTY BUFFERS REQUIRED DUE TO SURROUNDING B-3 ZONING

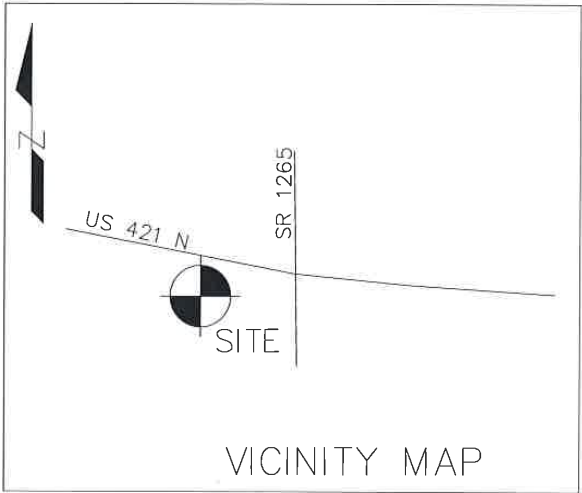
FACILITY HOURS: 5AM TO 6 PM MONDAY-SATURDAY

NCDOT PERMIT: DRIVEWAY PERMIT IS ACTIVE

JOHNSTON CO. STORMWATER: SITE IS EXEMPT

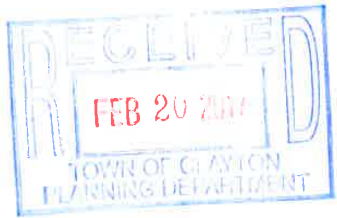
STALLINGS STATION DIALYSIS
CENTER EXPANSION

TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA
FEBRUARY 2017



VICINITY MAP
(NOT TO SCALE)

TOWN OF CLAYTON NUMBER
2017-10-SP



Sheet List Table	
Sheet Number	Sheet Title
C1.0	COVER SHEET
C2.0	NOTES
C3.0	EXISTING CONDITIONS AND DEMOLITION PLAN
C4.0	EROSION AND SEDIMENT CONTROL PLAN
C5.0	SITE LAYOUT PLAN
C6.0	GRADING AND DRAINAGE PLAN
C7.0	ESC DETAILS
C7.1	DETAILS
L1.1	LANDSCAPE PLAN
E1.1	SITE LIGHTING PHOTOMETRIC PLAN
A2.0	ARCHITECTURAL FLOOR PLAN
A2.1	ROOF PLAN
A3.0	EXTERIOR ELEVATIONS

DRAPER ADEN ASSOCIATES REVIEW

THESE PLANS HAVE BEEN SUBJECT TO TECHNICAL AND QUALITY REVIEWS BY:

NAME: ANDREW P. MERICLE, P.E.
PROJECT DESIGNER
SIGNATURE
DATE

NAME: C. TYRUS CLAYTON, JR., P.E.
PROJECT MANAGER
SIGNATURE
DATE

NAME: GORDON ROSE, P.E.
QUALITY REVIEWER
SIGNATURE
DATE



Draper Aden Associates
Engineering • Surveying • Environmental Services
Coats, NC Firm # C-0861
48 W. Washington Street
910-897-7070 Fax: 910-897-4787
www.daa.com

• Richmond, VA
• Blacksburg, VA
• Charlottesville, VA
• Fayetteville, NC
• Northern Virginia
• Hampton Roads, VA



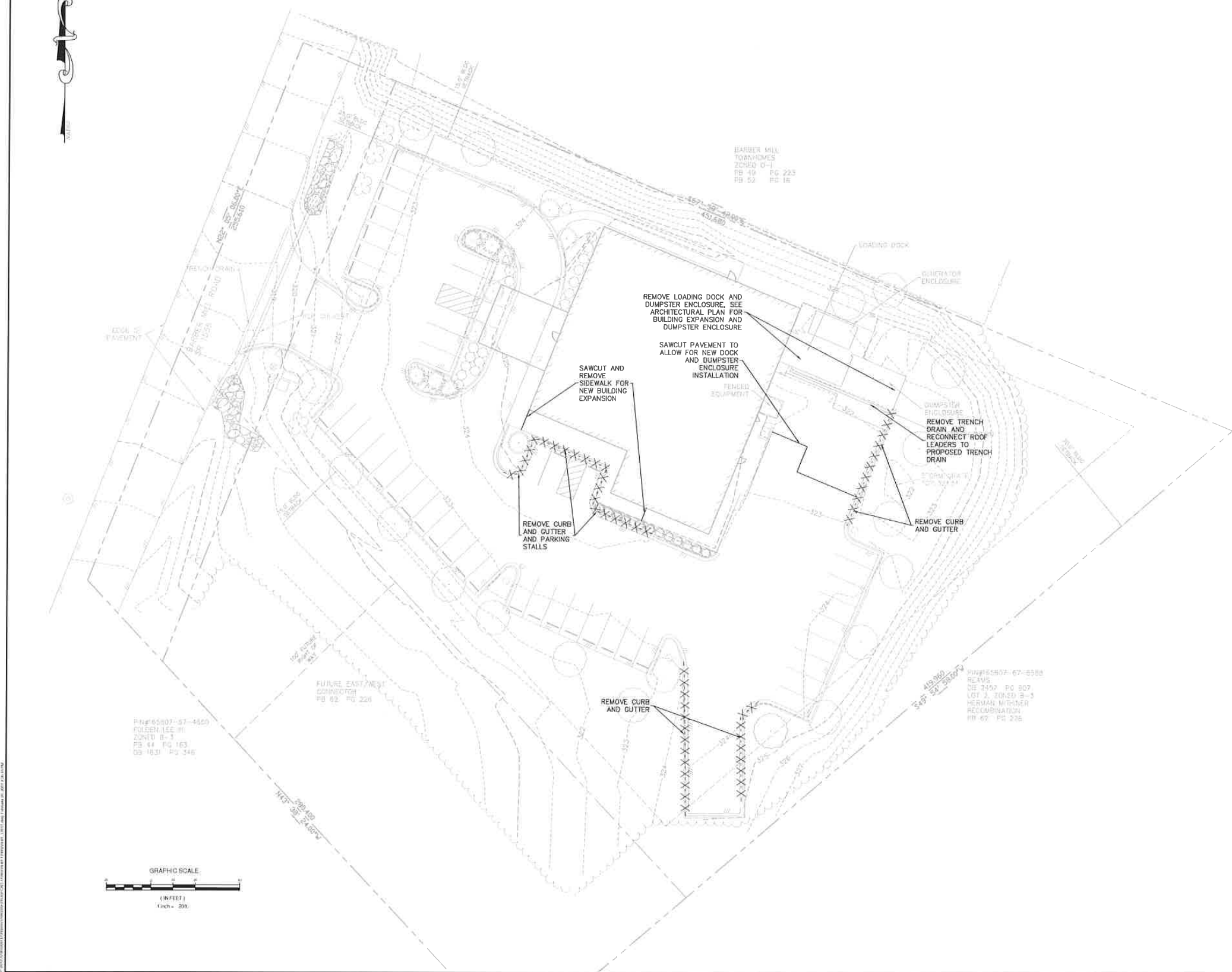
COVER SHEET
STALLINGS STATION DIALYSIS CENTER EXPANSION
TOWN OF CLAYTON, NORTH CAROLINA

REVISIONS
2.20.17
PER TOWN COMMENT

DESIGNED BY: APM
DRAWN BY: APM
CHECKED BY: CTC JR
SCALE: NONE
DATE: 2.1.17
PROJECT NUMBER: 2017080229-01

C1.0





Draper Aden Associates
Engineering • Surveying • Environmental Services
Coates, NC Firm # C-0861
46 W. Washington Street
910-497-7070 Fax: 910-497-4787
www.daa.com

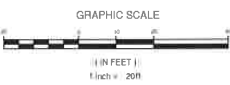
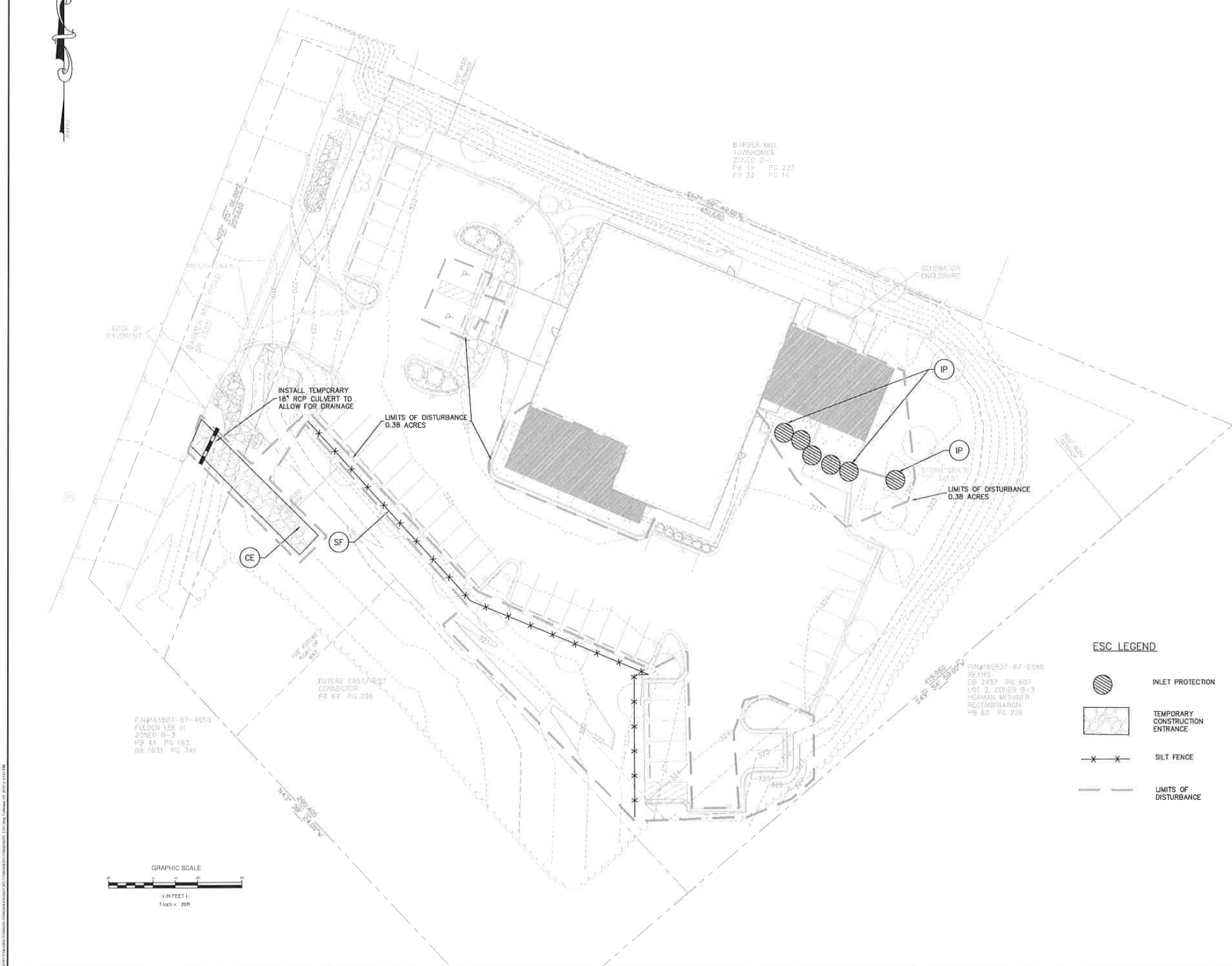
• Richmond, VA
• Blacksburg, VA
• Charlottesville, VA
• Northern Virginia
• Hampton Roads, VA
• Fayetteville, NC



EXISTING CONDITIONS AND DEMOLITION PLAN
STALLINGS STATION DIALYSIS CENTER EXPANSION
TOWN OF CLAYTON, NORTH CAROLINA

REVISIONS
2.20.17 PER TOWN COMMENT

DESIGNED BY:	APM
DRAWN BY:	APM
CHECKED BY:	CTC JR
SCALE:	1" = 20'
DATE:	2.1.17
PROJECT NUMBER:	2017080229-01
	C3.0



- ESC LEGEND**
- INLET PROTECTION (IP)
 - TEMPORARY CONSTRUCTION ENTRANCE (CE)
 - SILT FENCE (SF)
 - LIMITS OF DISTURBANCE



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• Northern Virginia
• Fayetteville, NC
• Hampton Roads, VA



EROSION AND SEDIMENT CONTROL PLAN
STALLINGS STATION DIALYSIS CENTER EXPANSION
TOWN OF CLAYTON, NORTH CAROLINA

REVISIONS
2/20/17
PER TOWN COMMENT

DESIGNED BY: APM
DRAWN BY: APM
CHECKED BY: CTC/JR
SCALE: 1" = 20'
DATE: 2.1.17
PROJECT NUMBER: 2017080229-01

C4.0

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Coats, NC 27521
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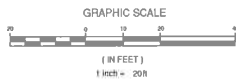
• Richmond, VA
• Blacksburg, VA
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REVISIONS

C5.0



LANDSCAPE REQUIREMENTS:
155.402.1(d)

1. TWENTY PERCENT OF THE TOTAL SITE AREA SHALL BE LANDSCAPED.

TOTAL SITE AREA: 78,887 SF
20% TO BE LANDSCAPED: 15,777 SF
LANDSCAPED AREA PROVIDED: 37,542 SF

2. NO LESS THAN ONE CANOPY TREE, ONE UNDERSTORY TREE, AND TWO SHRUBS SHALL BE PLANTED FOR EACH 1,000 SF OF LANDSCAPE AREA REQUIRED.

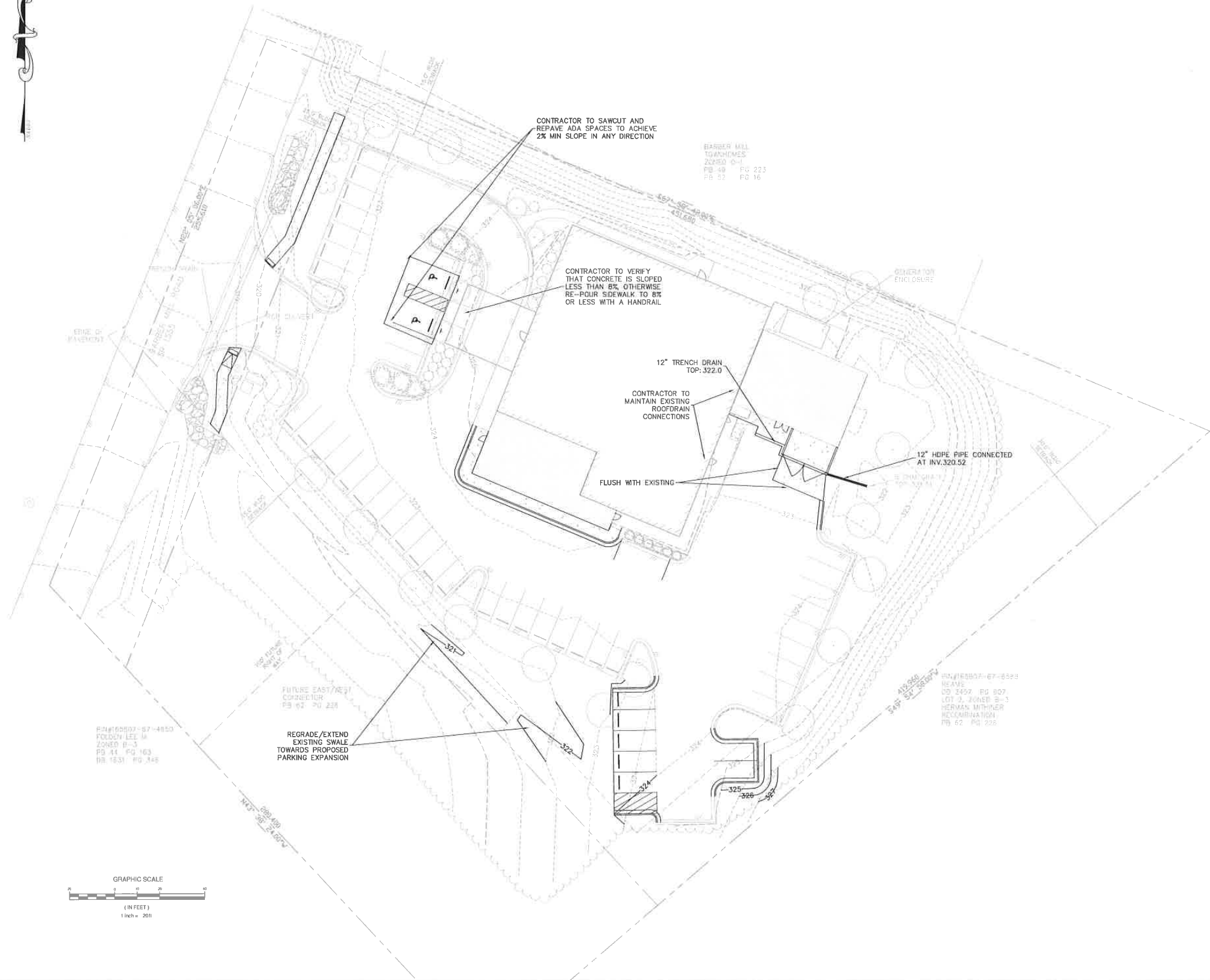
LANDSCAPE REQUIRED FOR 15,777 SF
16 CANOPY TREES
16 UNDERSTORY TREES
32 SHRUBS

LANDSCAPE REMOVED AS PART OF EXPANSION
1 CANOPY TREE

LANDSCAPE PROVIDED AS PART OF EXPANSION
2 CANOPY TREES (AT END OF ADDITIONAL PARKING STALLS)

3. THE PERIMETER OF ALL PARKING AREA AND OTHER VEHICULAR USE AREA WITH FRONTAGE ON ANY PORTION OF AN EXISTING PUBLIC RIGHT-OF-WAY SHALL BE SCREENED BY A CONTINUOUS LANDSCAPE HEDGE.

4. LANDSCAPING ALONG BARBER MILL ROAD TO BE SUPPLEMENTED AS NECESSARY TO BE PER THE ORIGINAL PLAN BY STIMMEL ASSOCIATES DATED 6.29.08 INCLUDED AT THE END OF THE DESIGN DOCUMENTS.



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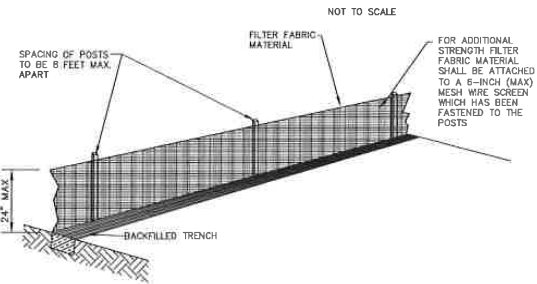
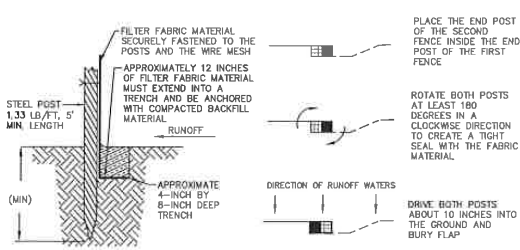
• Richmond, VA
• Fayetteville, NC
• Blackburg, VA
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• Northern Virginia
• Hampton Roads, VA



GRADING AND DRAINAGE PLAN
STALLINGS STATION DIALYSIS CENTER EXPANSION
TOWN OF CLAYTON, NORTH CAROLINA

REVISIONS	
2.20.17	PER TOWN COMMENT
DESIGNED BY:	APM
DRAWN BY:	APM
CHECKED BY:	CTC JR
SCALE:	1" = 20'
DATE:	2.1.17
PROJECT NUMBER:	2017080229-01
C6.0	

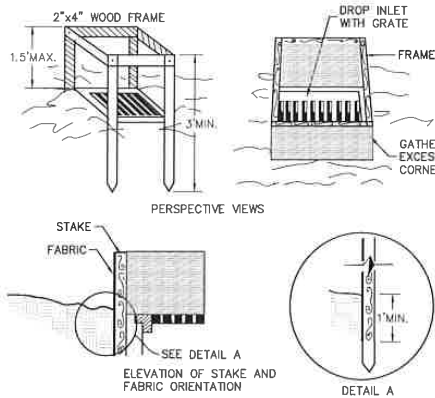
ATTACHING TWO SEDIMENT FENCES



MATERIALS

1. USE A SYNTHETIC FILTER FABRIC OF AT LEAST 95% BY WEIGHT OF POLYOLEFINS OR POLYESTER, WHICH IS CERTIFIED BY THE MANUFACTURER OR SUPPLIER AS CONFORMING TO THE REQUIREMENTS IN ASTM D 6461, WHICH IS SHOWN IN PART IN TABLE 6.62B. SYNTHETIC FILTER FABRIC SHOULD CONTAIN ULTRAVIOLET RAY INHIBITORS AND STABILIZERS TO PROVIDE A MINIMUM OF 6 MONTHS OF EXPECTED USABLE CONSTRUCTION LIFE AT A TEMPERATURE RANGE OF 0 TO 120° F.
2. ENSURE THAT POSTS FOR SEDIMENT FENCES ARE 1.33 LBS/LINEAR FT STEEL WITH A MINIMUM LENGTH OF 5 FEET. MAKE SURE THAT STEEL POSTS HAVE PROJECTIONS TO FACILITATE FASTENING THE FABRIC.
3. FOR REINFORCEMENT OF STANDARD STRENGTH FILTER FABRIC, USE WIRE FENCE WITH A MINIMUM 14 GAUGE AND A MAXIMUM MESH SPACING OF 6 INCHES.
4. CONSTRUCT THE SEDIMENT BARRIER OF STANDARD STRENGTH OR EXTRA STRENGTH SYNTHETIC FILTER FABRICS.
5. ENSURE THAT THE HEIGHT OF THE SEDIMENT FENCE DOES NOT EXCEED 24 INCHES ABOVE THE GROUND SURFACE. (HIGHER FENCES MAY IMPOUND VOLUMES OF WATER SUFFICIENT TO CAUSE FAILURE OF THE STRUCTURE.)
6. CONSTRUCT THE FILTER FABRIC FROM A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID JOINTS. WHEN JOINTS ARE NECESSARY, SECURELY FASTEN THE FILTER CLOTH ONLY AT A SUPPORT POST WITH A 4 FEET MINIMUM OVERLAP TO THE NEXT POST.
7. SUPPORT STANDARD STRENGTH FILTER FABRIC BY WIRE MESH FASTENED SECURELY TO THE UPSLOPE SIDE OF THE POSTS. EXTEND THE WIRE MESH SUPPORT TO THE BOTTOM OF THE TRENCH. FASTEN THE WIRE REINFORCEMENT, THEN FABRIC ON THE UPSLOPE SIDE OF THE FENCE. POST, WIRE OR PLASTIC ZIP TIES SHOULD HAVE MINIMUM 50 POUND TENSILE STRENGTH.
8. WHEN A WIRE MESH SUPPORT FENCE IS USED, SPACE POSTS A MAXIMUM OF 8 FEET APART. SUPPORT POSTS SHOULD BE DRIVEN SECURELY INTO THE GROUND A MINIMUM OF 24 INCHES.
9. EXTRA STRENGTH FILTER FABRIC WITH 6 FEET POST SPACING DOES NOT REQUIRE WIRE MESH SUPPORT FENCE. SECURELY FASTEN THE FILTER FABRIC DIRECTLY TO POSTS. WIRE OR PLASTIC ZIP TIES SHOULD HAVE MINIMUM 50 POUND TENSILE STRENGTH.
10. EXCAVATE A TRENCH APPROXIMATELY 4 INCHES WIDE AND 8 INCHES DEEP ALONG THE PROPOSED LINE OF POSTS AND UPSLOPE FROM THE BARRIER (FIGURE 6.62A).
11. PLACE 12 INCHES OF THE FABRIC ALONG THE BOTTOM AND SIDE OF THE TRENCH.
12. BACKFILL THE TRENCH WITH COMPACTED SOIL PLACED OVER THE FILTER FABRIC. THOROUGH COMPACTION OF THE BACKFILL IS CRITICAL TO SILT FENCE PERFORMANCE.
13. DO NOT ATTACH FILTER FABRIC TO EXISTING TREES.

SEDIMENT FENCE DETAIL



SPECIFIC APPLICATION

THIS METHOD OF INLET PROTECTION IS APPLICABLE WHERE THE INLET DRAINS A RELATIVELY FLAT AREA (SLOPE NO GREATER THAN 5%) WHERE THE INLET SHEET OR OVERLAND FLOWS (NOT EXCEEDING 1 C.F.S.) ARE TYPICAL. THE METHOD SHALL NOT APPLY TO INLETS RECEIVING CONCENTRATED FLOWS, SUCH AS IN STREET OR HIGHWAY MEDIANS.

SILT FENCE DROP INLET PROTECTION DETAIL

SEDIMENT FENCE INSTALLATION USING THE SLICING METHOD

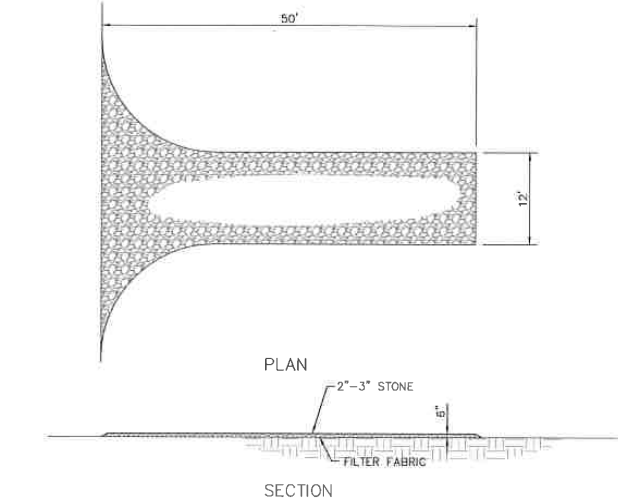
INSTEAD OF EXCAVATING A TRENCH, PLACING FABRIC AND THEN BACKFILLING TRENCH, SEDIMENT FENCE MAY BE INSTALLED USING SPECIALLY DESIGNED EQUIPMENT THAT INSERTS THE FABRIC INTO A CUT SLICED IN THE GROUND WITH A DISC.

INSTALLATION SPECIFICATIONS

1. THE BASE OF BOTH END POSTS SHOULD BE AT LEAST ONE FOOT HIGHER THAN THE MIDDLE OF THE FENCE. CHECK WITH A LEVEL IF NECESSARY.
2. INSTALL POSTS 4 FEET APART IN CRITICAL AREAS AND 6 FEET APART ON STANDARD APPLICATIONS.
3. INSTALL POSTS 2 FEET DEEP ON THE DOWNSTREAM SIDE OF THE SILT FENCE, AND AS CLOSE AS POSSIBLE TO THE FABRIC, ENABLING POSTS TO SUPPORT THE FABRIC FROM UPSTREAM WATER PRESSURE.
4. INSTALL POSTS WITH THE NIPPLES FACING AWAY FROM THE SILT FABRIC.
5. ATTACH THE FABRIC TO EACH POST WITH THREE TIES, ALL SPACED WITHIN THE TOP 8 INCHES OF THE FABRIC. ATTACH EACH TIE DIAGONALLY 45 DEGREES THROUGH THE FABRIC, WITH EACH PUNCTURE AT LEAST 1 INCH VERTICALLY APART. ALSO, EACH TIE SHOULD BE POSITIONED TO HANG ON A POST NIPPLE WHEN TIGHTENED TO PREVENT SAGGING.
6. WRAP APPROXIMATELY 6 INCHES OF FABRIC AROUND THE END POSTS AND SECURE WITH 3 TIES.
7. NO MORE THAN 24 INCHES OF A 36 INCH FABRIC IS ALLOWED ABOVE GROUND LEVEL.
8. THE INSTALLATION SHOULD BE CHECKED AND CORRECTED FOR ANY DEVIATIONS BEFORE COMPACTION.
9. COMPACTION IS VITALLY IMPORTANT FOR EFFECTIVE RESULTS. COMPACT THE SOIL IMMEDIATELY NEXT TO THE SILT FENCE FABRIC WITH THE FRONT WHEEL OF THE TRACTOR, SKID STEER, OR ROLLER EXERTING AT LEAST 60 POUNDS PER SQUARE INCH. COMPACT THE UPSLOPE SIDE FIRST, AND THEN EACH SIDE TWICE FOR A TOTAL OF 4 TRIPS.

MAINTENANCE

1. INSPECT SEDIMENT FENCES AT LEAST ONCE A WEEK AND AFTER EACH RAINFALL. MAKE ANY REQUIRED REPAIRS IMMEDIATELY.
2. SHOULD THE FABRIC OF A SEDIMENT FENCE COLLAPSE, TEAR, DECOMPOSE, OR BECOME INEFFECTIVE, REPLACE IT PROMPTLY.
3. REMOVE SEDIMENT DEPOSITS AS NECESSARY TO PROVIDE ADEQUATE STORAGE VOLUME FOR THE NEXT RAIN AND TO REDUCE PRESSURE ON THE FENCE. TAKE CARE TO AVOID UNDERMINING THE FENCE DURING CLEANOUT.
4. REMOVE ALL FENCING MATERIALS AND UNSTABLE SEDIMENT DEPOSITS AND BRING THE AREA TO GRADE AND STABILIZE IT AFTER THE CONTRIBUTING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.



CONSTRUCTION

1. CLEAR THE ENTRANCE AND EXIT AREA OF ALL VEGETATION, ROOTS, AND OTHER OBJECTIONABLE MATERIAL AND PROPERLY GRADE IT.
2. PLACE THE GRAVEL TO THE SPECIFIC GRADE AND DIMENSIONS SHOWN ON THE PLANS AND SMOOTH IT.
3. PROVIDE DRAINAGE TO CARRY WATER TO A SEDIMENT TRAP OR OTHER SUITABLE OUTLET.
4. USE GEOTEXTILE FABRICS BECAUSE THEY IMPROVE STABILITY OF THE FOUNDATION IN AREAS SUBJECT TO SEEPAGE OR HIGH WATER TABLE.

MAINTENANCE

MAINTAIN THE GRAVEL PAD IN A CONDITION TO PREVENT MUD OR SEDIMENT FROM LEAVING THE CONSTRUCTION SITE. THIS MAY PERIODIC TOPDRESSING WITH 2-3 INCH STONE. IMMEDIATELY REMOVE ALL OBJECTIONABLE MATERIALS SPILLED, WASHED OR TRACKED ONTO PUBLIC ROADWAYS.

TEMPORARY CONSTRUCTION ENTRANCE/EXIT

SCALE: 1" = 10'



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ESC DETAILS
STALLINGS STATION DIALYSIS CENTER EXPANSION
TOWN OF CLAYTON, NORTH CAROLINA

REVISIONS

2.20.17
PER TOWN COMMENT

DESIGNED BY

APM

DRAWN BY

APM

CHECKED BY

CTC JR

SCALE

NONE

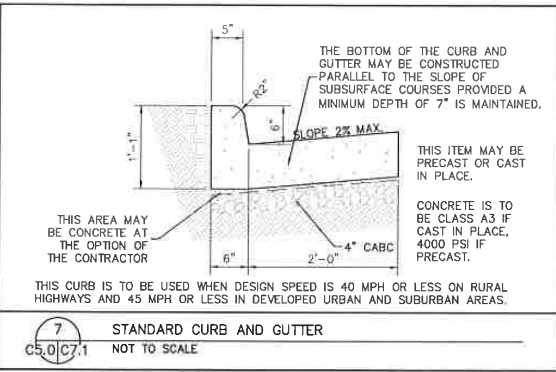
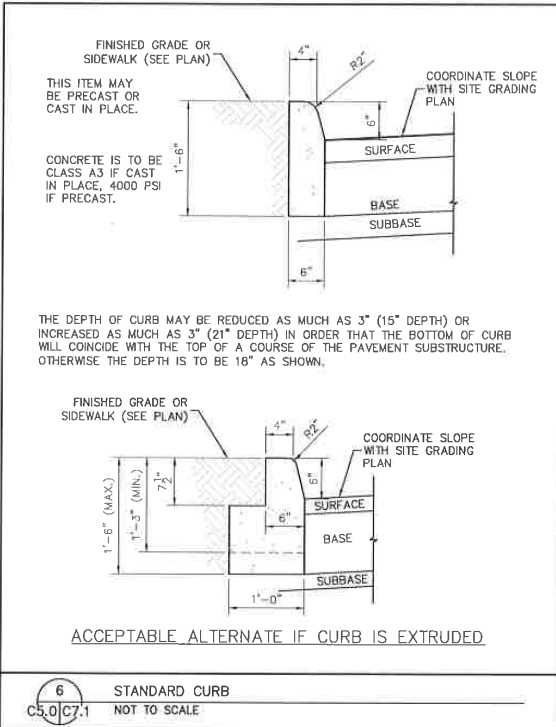
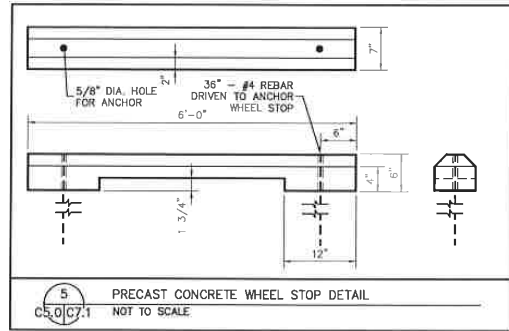
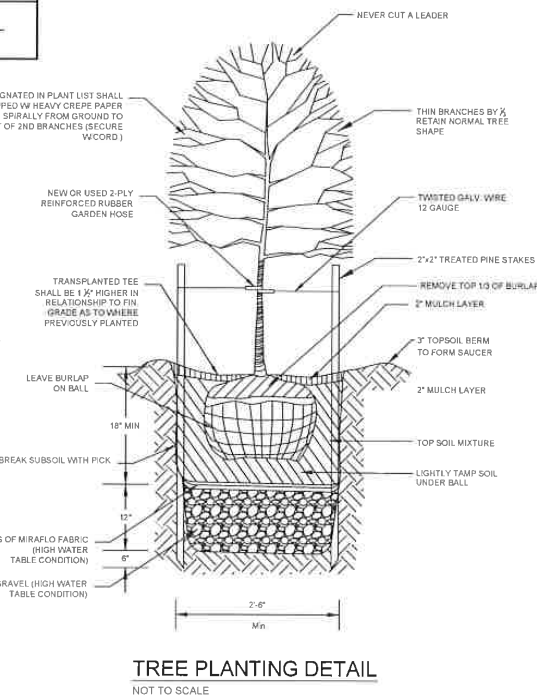
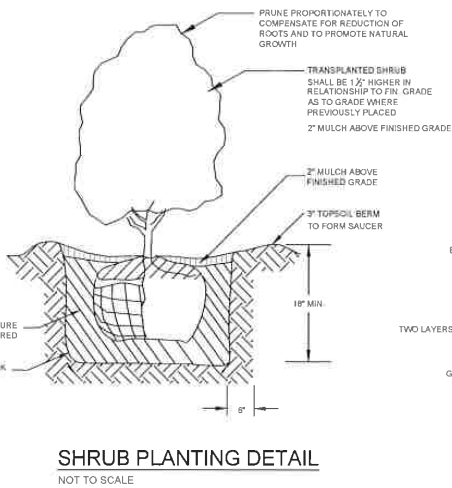
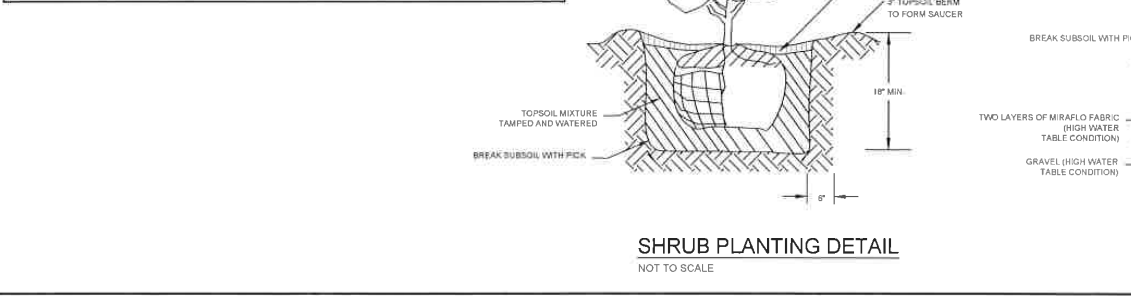
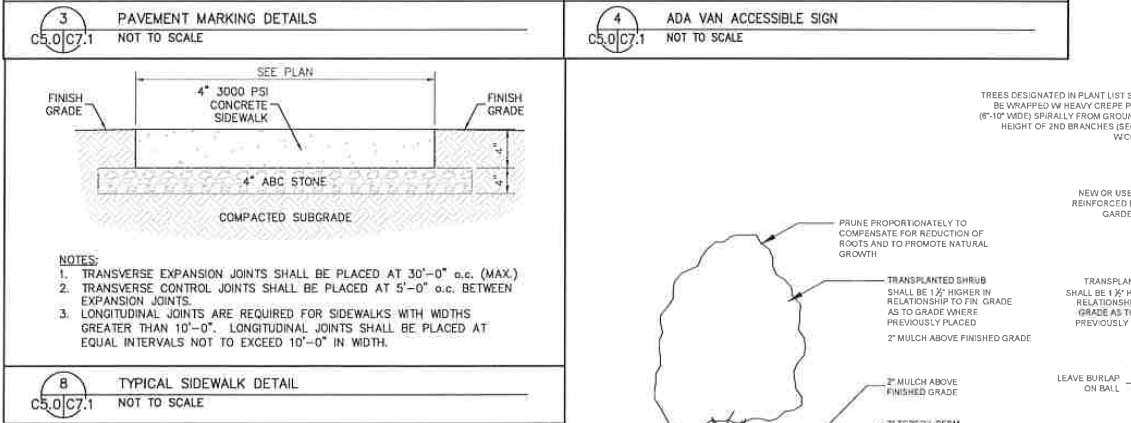
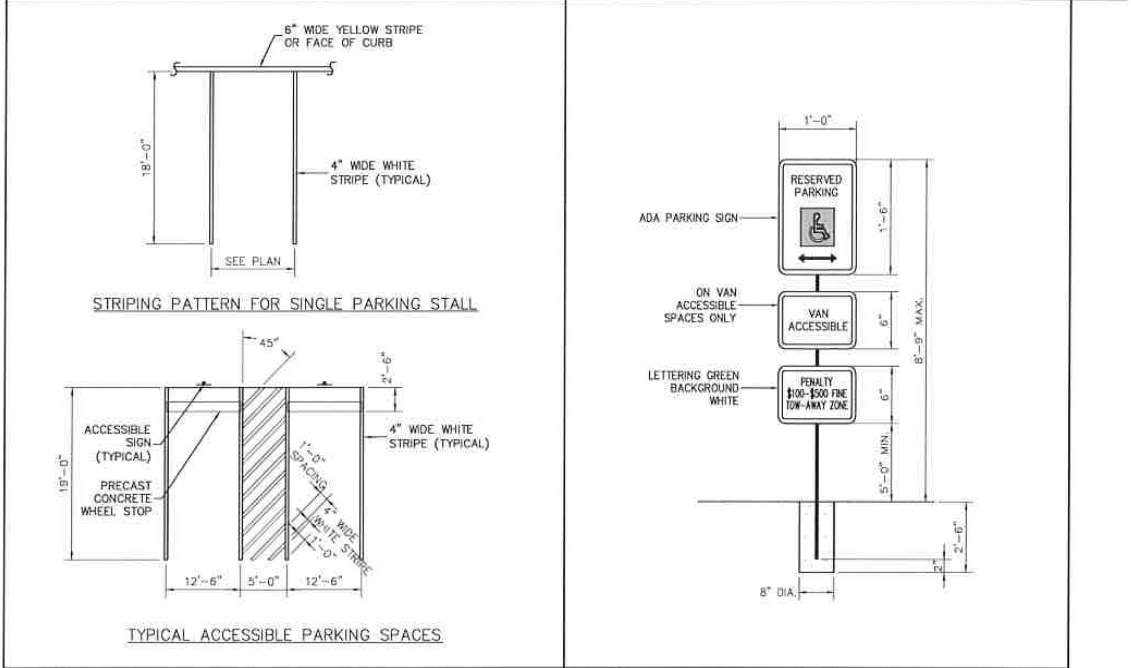
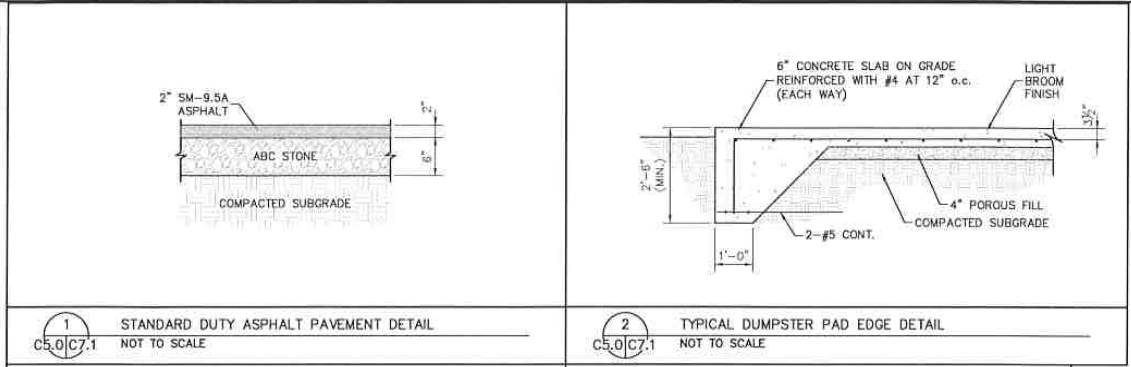
DATE

2.1.17

PROJECT NUMBER

2017080229-01

C7.0



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REVISIONS

2.20.17
PER TOWN COMMENT

DESIGNED BY
APM

DRAWN BY
APM

CHECKED BY
CTC JR

SCALE
NONE

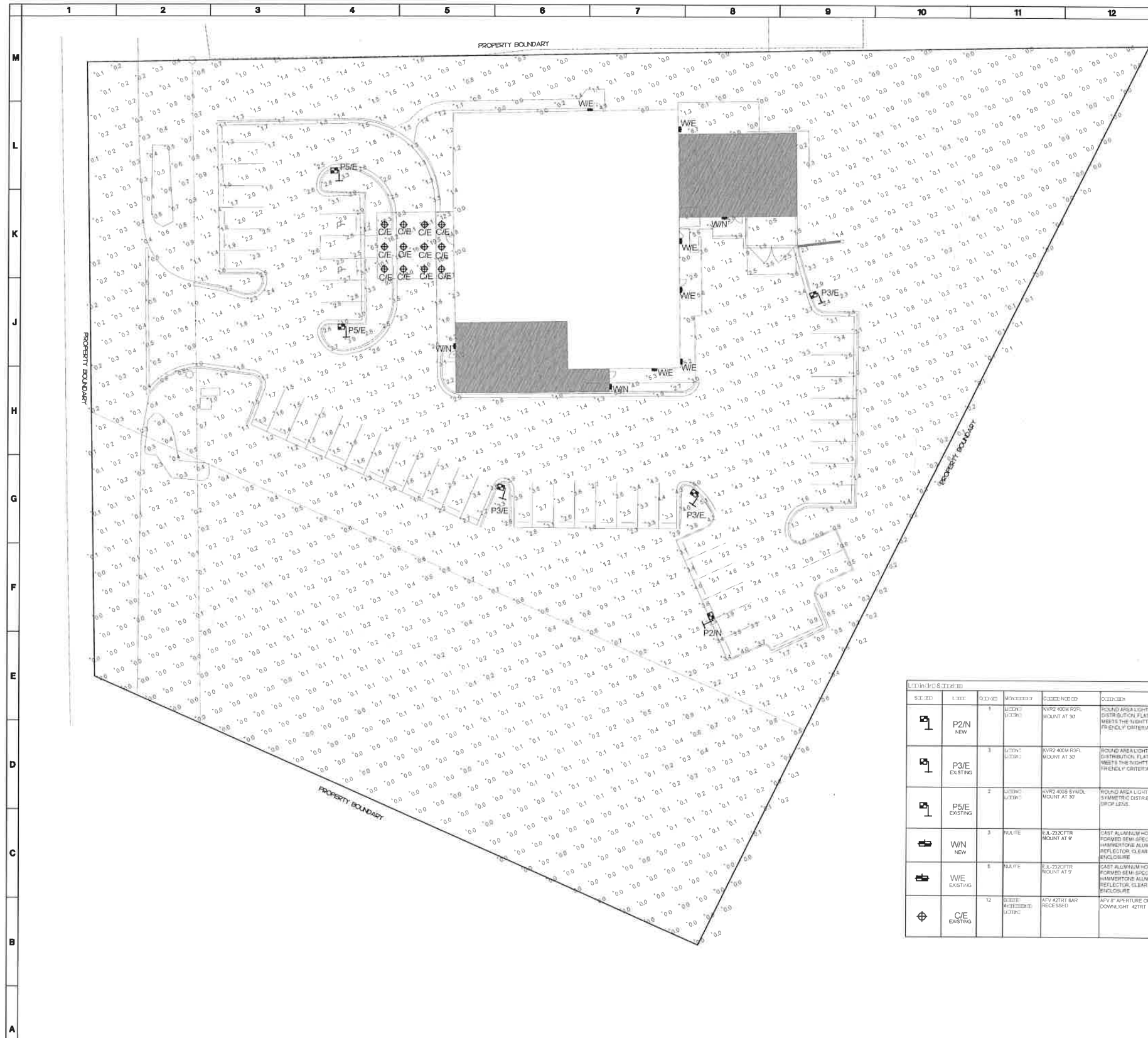
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2.1.17

PROJECT NUMBER
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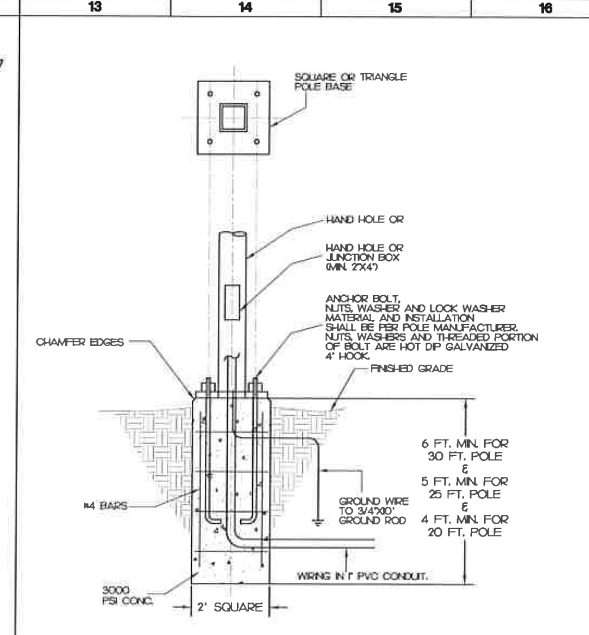
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STALLINGS STATION DIALYSIS CENTER EXPANSION

TOWN OF CLAYTON, NORTH CAROLINA



1A SITE LIGHTING PHOTOMETRIC PLAN
SCALE: 1" = 20'-0"



NOTES:
1. SEE POLE MANUFACTURER INFORMATION FOR FURTHER INFORMATION. MANUFACTURER INFORMATION SHALL SUPERCEDE THE INFORMATION SHOWN ABOVE.

13G POLE BASE DETAIL
NOT TO SCALE

LUMINAIRE									
SYMBOL	TYPE	QTY	WATTAGE	CEILING HGT	CEILING HGT	CEILING HGT	CEILING HGT	CEILING HGT	CEILING HGT
P2/N	NEW	1	4000	30'	4000	30'	4000	30'	4000
P3/E	EXISTING	1	4000	30'	4000	30'	4000	30'	4000
P5/E	EXISTING	2	4000	30'	4000	30'	4000	30'	4000
W/N	NEW	1	4000	30'	4000	30'	4000	30'	4000
W/E	EXISTING	1	4000	30'	4000	30'	4000	30'	4000
C/E	EXISTING	12	4000	30'	4000	30'	4000	30'	4000

PROGRESS DRAWING NOT FOR CONSTRUCTION

17027

ATLANTEC ENGINEERS, PA

1000 E. MAIN STREET, SUITE 100
CLAYTON, NC 28501
(919) 578-0700

FMC - STALLING STATION
CLAYTON, NC

401 North Heritage Street
Kinston, North Carolina 28501
252-527-1523 252-527-0049 fax

DUNN & DALTON ARCHITECTS

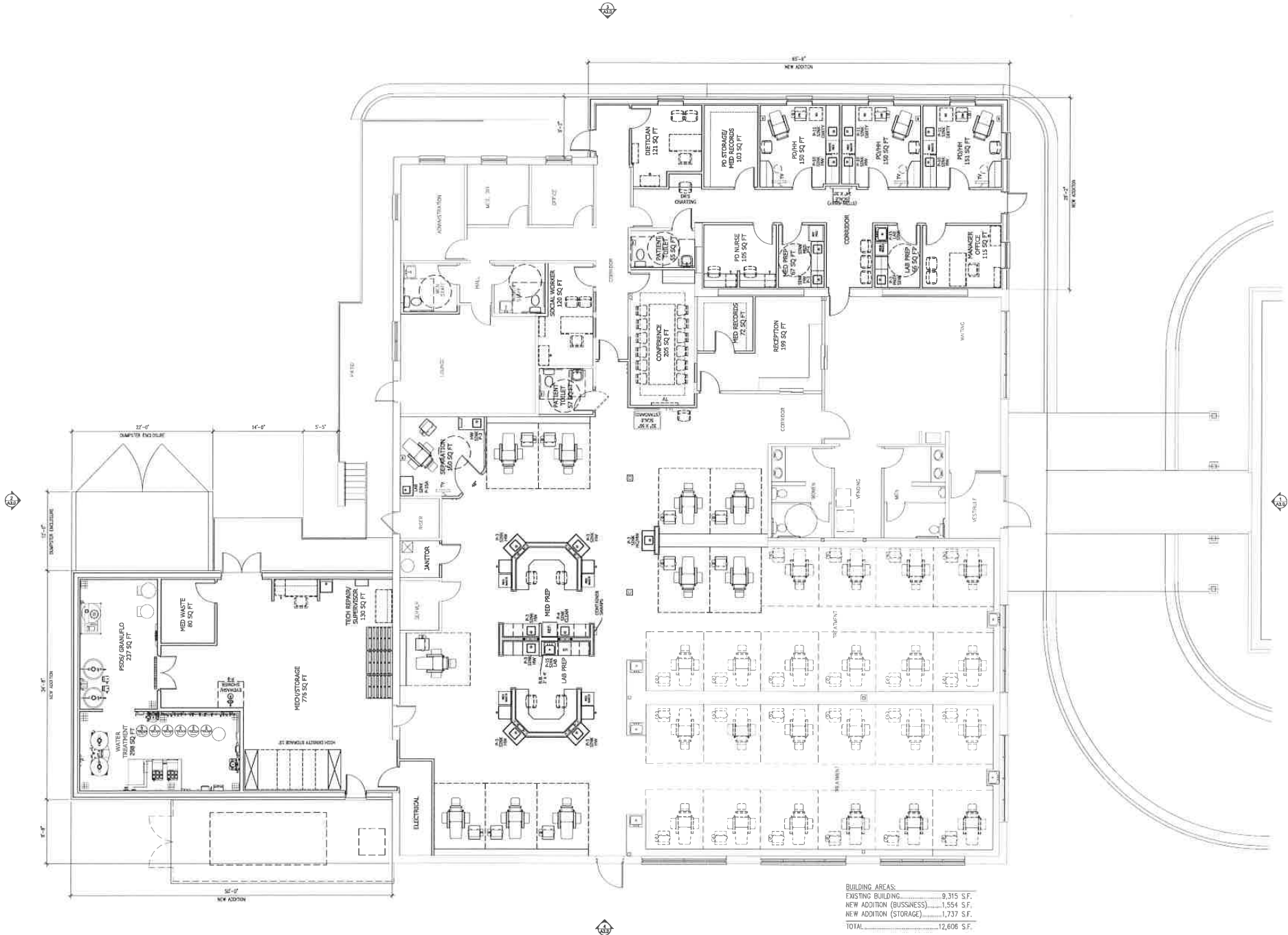
01-31-2017

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Page 28 of 146

1
A2.0 PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"



FLOOR PLAN
SCALE: 3/16" = 1'-0"



Proposed Shell Building for:
FMC STALLINGS STATION
8377-1-DN-E-RN-2017
5420 BARBER MILL RD.
CLAYTON, NC 27520

DUNN & DALTON
ARCHITECTS
401 North Hermitage St.
252-327-1223 Phone
252-327-0048 Fax

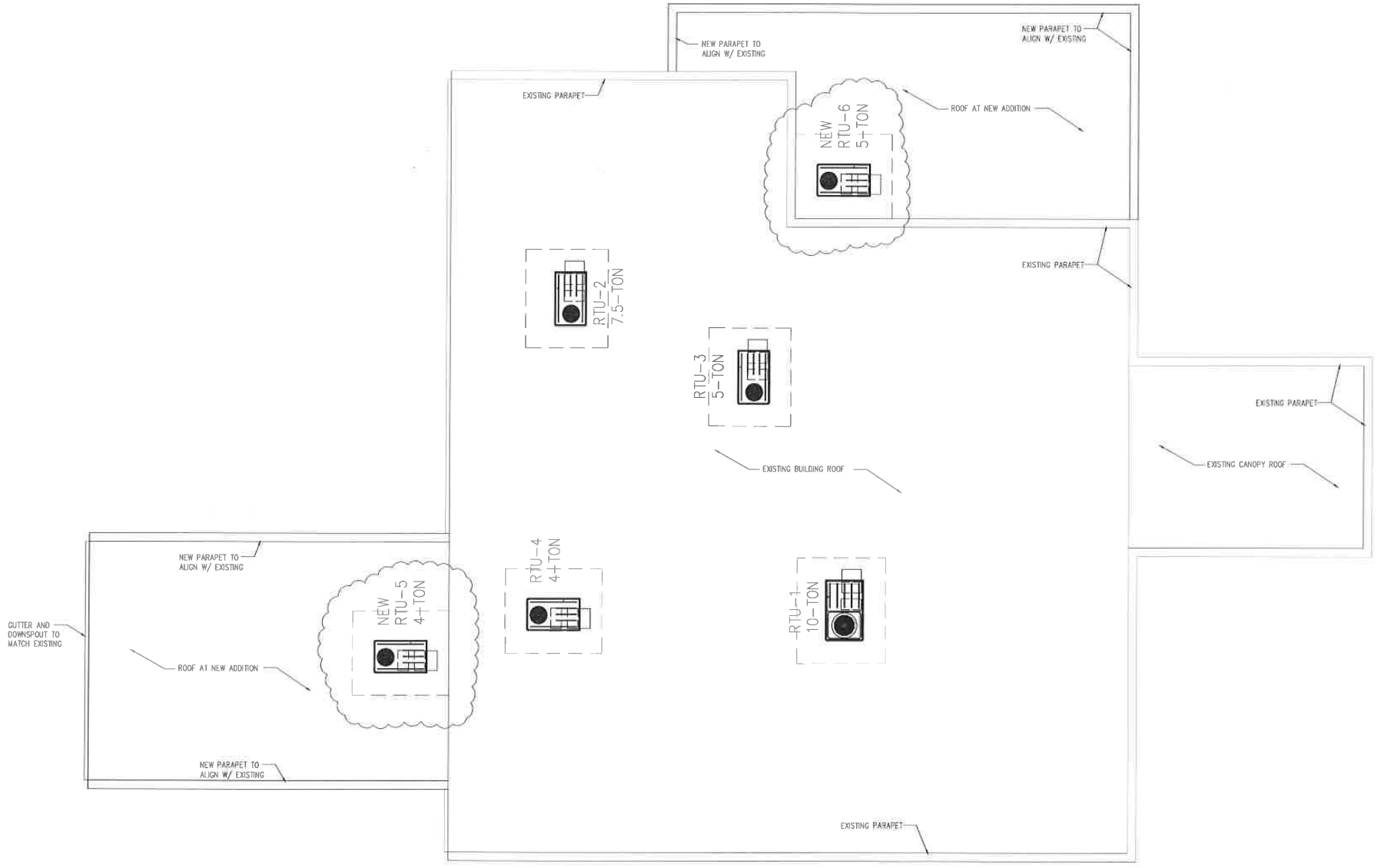
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Drafted By: TWD
Checked By: JWD
Date Drawn: 1/30/17
Project #: PRE-16105

REV #	DATE	REVISION DESCRIPTION

A 2.0

Sheet Number



1
A2.1 PROPOSED ROOF PLAN
SCALE: 1/8" = 1'-0"



Proposed Shell Building for:
FMC STALLINGS STATION
8377-1-DN-E-RN-2017
5420 BARBER MILL RD.
CLAYTON, NC 27520



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Drafted By: TWD
Checked By: JWD
Date Drawn: 1/30/17
Project #: PRE-16105

REV #	DATE	REVISION DESCRIPTION

A 2.1

Sheet Number

Memorandum

To: Jay McLeod, AICP
From: Andrew P Mericle, PE
Date: 2.1.17
Project Name: Stallings Station Dialysis Center Expansion
Project Number: 17080229-010302
Subject: Parking Variance Request
cc: Files



Dialysis Centers provide a very necessary and different kind of care than most outpatient medical care facilities. Currently, Johnston County is at a known deficit in dialysis center capacity (available chairs) to serve the needs of the County. This proposed project would allow for the expansion of an existing dialysis center without the cost and time needed to develop a new site.

For doctors and dentists, patients are coming in and out of their facility at a rapid pace with a waiting room possibly full of additional patients waiting to be seen. Dialysis centers have a very fixed clientele that must visit on a regular basis for large chunks of time at each visit, thus not requiring the parking spaces a normal medical or dental clinic would need.

Fresenius Medical Care (FMC) Centers operate this facility with their staff working 12-hour shifts Monday through Saturday, during which they only see 2 patients per chair. They have their staff set in such a way that there is one technician per 4 chairs, which allows a 15 minute staggered arrival so each patient can be set up for their several hour procedure before another is waiting. This staggering also allows there to be even less overlap between morning patients and afternoon patients.

The one additional unique part about dialysis care is the amount of patients that are not self-driving. Across North Carolina, the percentage of self-driving dialysis patients is approximately 50%. At this particular location, there are years of historical data and only 41% of the patients are self-driving, with the rest being dropped off and picked up at the end of their appointment time.

Currently, the Town of Clayton zoning rules require **57 spaces** for this site, with **55 spaces** for the medical office portion of the building and an additional **2 spaces** for the warehouse/storage area that is being built at the rear. At maximum capacity after expansion, there will be 34 treatment stations and **20 staff**. With 41% self-driving patients, that yields **14 spaces**. Assuming a 50% overlap between morning and afternoon patients that adds another **7 spaces** during that shift

P:\2017\1708\0200\17080229\17080229-010302\CORRESP\Parking Study.docx

change. The total number of spots needed at maximum capacity during a shift change is **41 spaces**. (The table on the following page summarizes the above rationalization)

<u>Facility Use</u>	<u>Spaces Needed</u>
20 Staff (Doctor, Nurses, Admin)	20
34 Patient Chairs (x 41% Self Driving)	14
50% Patient Overlay between treatments	7
Actual need to support Operations	41

The layout that has been provided maximizes the existing site for available parking expansion but falls short of the zoning required 57 spaces. This layout provides 49 spaces, which is more than the currently calculated need, so that if percentages change in the future the site is able and readily meet that need without a burden on the patients or staff. The provided parking also falls in line with other municipality (and Town of Clayton previously) requirements of 1 space per 250 sf of medical office building vs 1 space per 200 sf).

It is my opinion that based on the calculated needs as well as other surrounding municipality requirements that the 49 spaces provided will adequately meet the needs of staff and patients at this facility and all future needs if operations change.

Sincerely,
DRAPER ADEN ASSOCIATES



A handwritten signature in blue ink, appearing to be "A. Mericle".

Andrew P. Mericle, P.E.
Senior Design Engineer

cc: file



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

*Planning Board
February 27, 2017*

STAFF REPORT

Application Number: 2017-05-SP Project Name: ECIA Novo Pump Station, Major Site Plan

NC PIN / Tag #: 167800-40-6294 / 05e99010h
Location: The property is located on the southwest corner of Powhatan Road and the Railroad corridor.
Town Limits/ETJ: ETJ
Overlay: Economic Training Zone (joint overlay with Johnston County), and Watershed Protection Overlay
Applicant: Town of Clayton
Owner: Novo Nordisk

Public Noticing:

- Neighborhood meeting February 2, 2017
- Sign posted February 17, 2017

REQUEST: The Town is requesting site plan approval to develop a pump station to serve in the wastewater infrastructure connected to the Novo Nordisk DAPI Expansion.



SITE DATA:

Acreage: Total parcel: 7.78 acres (

Present Zoning: I-1

Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Light Industrial (I-1)	Novo Nordisk manufacturing facility + railroad right-of-way
South	Light Industrial (I-1)	YMCA soccer fields
East	Residential-Estate (R-E) and Light Industrial (I-1)	One Single Family Residential home and future Novo Nordisk DAPI expansion
West	Residential-Estate (R-E)	Grifols main campus recreational fields

DEVELOPMENT DATA:

Proposed Uses: Pump station, minor utility, entrance drive, and utility fencing enclosure

Buildings: One story utility building, less than 12 ft tall

Impervious Surface: 16,192 square feet (5%)

Required Parking: 1 space with turnaround

Proposed Parking: 1 space with turnaround

Access/Streets: Access will be provided directly from Powhatan Road along a gravel drive

Water/Sewer Provider: Town of Clayton

Fire Protection: Town of Clayton Fire Department.

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting site plan approval to develop a pump station (Minor Utility) to serve the Novo Nordisk DAPI expansion.

Consistency with Adopted Plans:

- **Comprehensive Plan**
The request is consistent.

- **Unified Development Code**

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC). Individual lot development specifications including building placement, driveway placement, etc. will be required to meet all Town standards and be consistent with the provisions of the approved Master Plan.

Compatibility with Surrounding Land Uses

The site is located in an industrial district. Minor Utilities (such as pump stations) are permitted in all zoning districts.

Landscaping and Buffering

The site plan meets all applicable elements of the UDC landscaping requirements. For the most part, existing vegetation is preserved and utilized as screening.

Access/Streets

The site is accessed via Powhatan Road, by a proposed gravel drive.

Waivers/Deviations/Variations from Code Requirements

None.

CONSIDERATIONS

- A Minor Utility is an approved use for this zoning district.
- The Planning Board approves major site plans.

STAFF RECOMMENDATION:

Staff is recommending approval with conditions.

CONDITIONS:

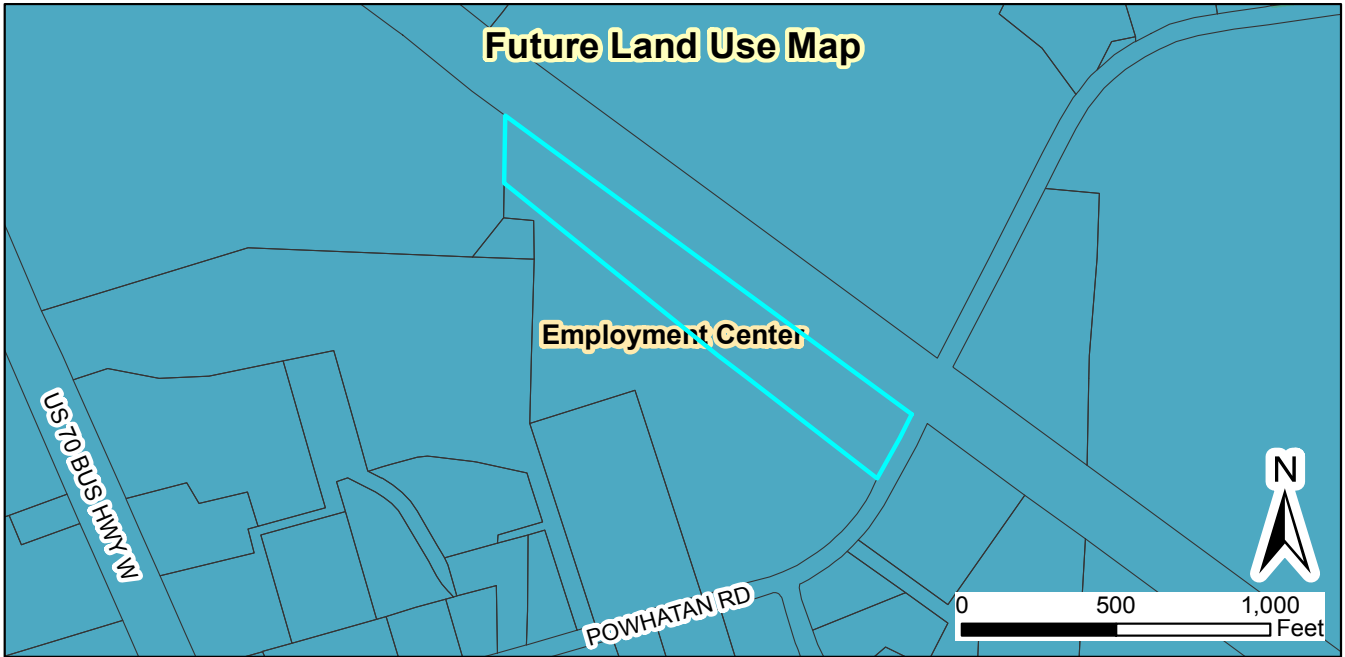
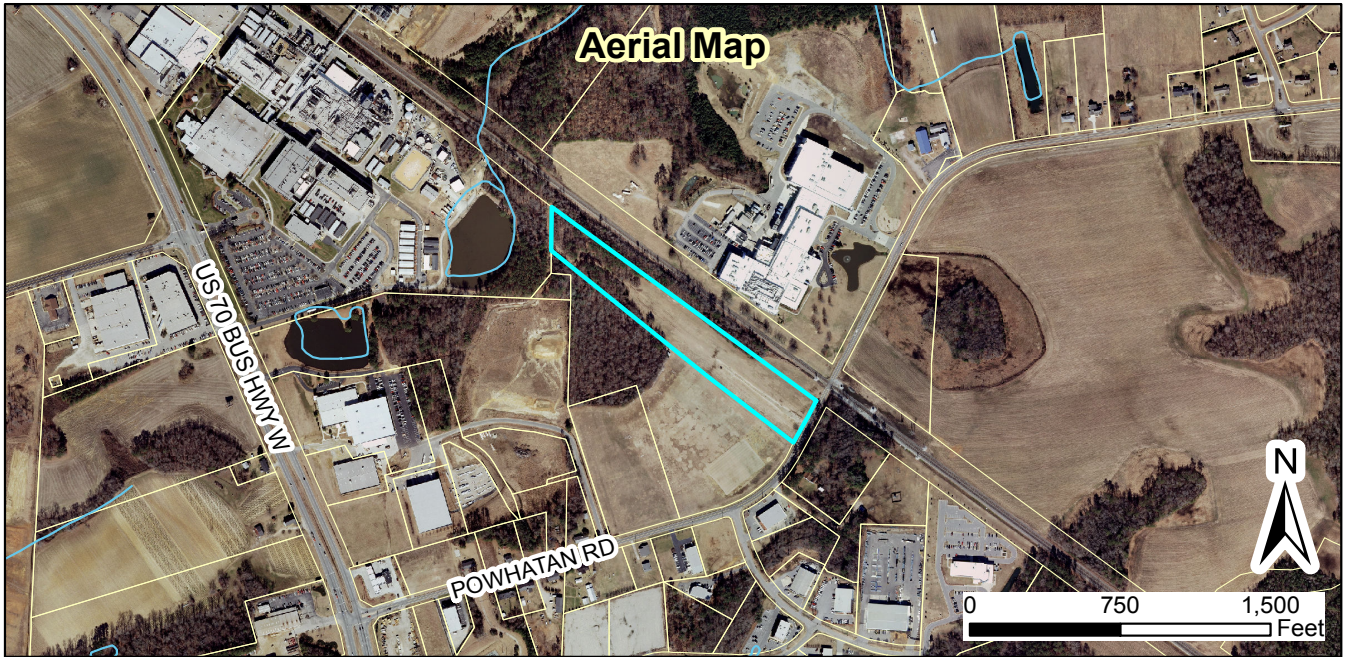
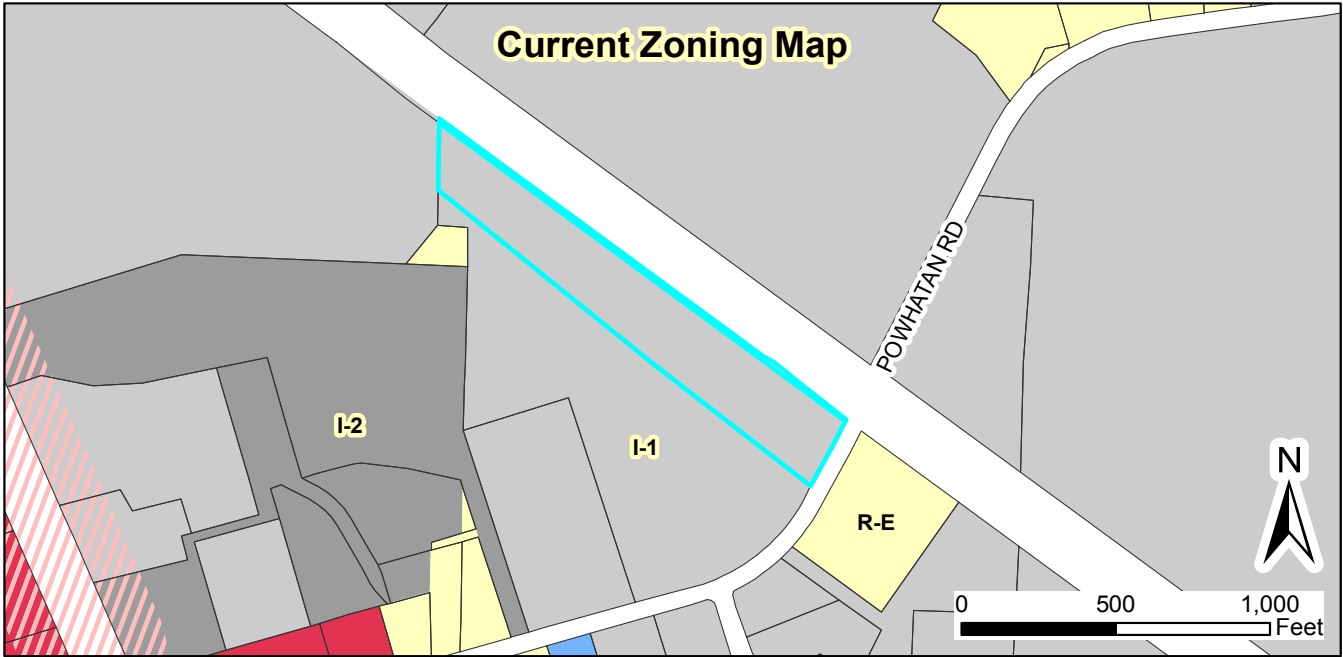
If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan:

1. The development of the site is limited to the site design and uses approved by the Planning Board. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.
2. Following Board approvals, three copies of the Final Site Plan, Landscape Plan, and Architectural Elevations meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.

3. All roof mounted and ground mechanic equipment must be completely screened from view from adjacent properties, including chainlink or barbed (razor) fencing.
 4. Approval of this site plan does not constitute approval to conduct work on any other property, including but not limited to grading on adjacent properties.
 5. A Zoning Compliance Permit shall be required prior to issuance of any building permits.
 6. Utility construction plans shall be approved by the Public Works Department prior to issuance of building permits.
 7. A site/landscape inspection by the Planning Department shall be required prior to issuance of a certificate of occupancy. All site improvements shall be installed prior to the site inspection.
-

ATTACHMENTS:

- 1) Staff report map
- 2) Application
- 3) Site Plan
- 4) Neighborhood Meeting Materials



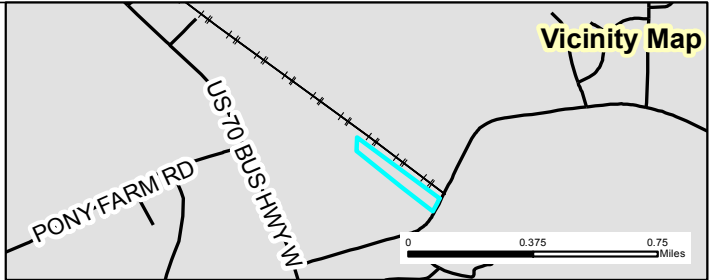
2017-05-SP ECIA Novo Pump Station Major Site Plan
Request: Major Site Plan approval to develop a pump station to serve the Novo Nordisk DAPI expansion
Applicant: Town of Clayton
Property Owner: Novo Nordisk
TAG #: 05E99010H



Site 
Thorough Fare Overlay 
Scenic Highway Overlay 

2/23/17
Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

Document Path: O:\PLANNING\SITE PLANS\Major Site Plans\2017\2017-05-SP Novo Nordisk ECIA Pump Station\Maps\Staff Rpt Map - Novo Pump Station 2017-05-SP.mxd





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

MAJOR SITE PLAN APPLICATION

Pursuant to Article 7, Section 155.707 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Planning Board to approve a Major Site Plan application. Please complete all fields in this application and submit to the Planning Department with all required materials.

Application fee: \$500.00 + \$5.00 per acre. *All fees are due when the application is submitted.*

SITE INFORMATION

☒ New Major Site Plan

☐ Major Modification to an approved site plan
Project Modified: _____

Name of Project: Construction of New ECIA Pump Station Acreage of Property: 7.78

County Tag #: 05E99010H NC PIN: 167800-40-6294

Address/Location: 3710 Powhatan Road, Clayton, NC 27527

Existing Use: Undeveloped Land Proposed Use: New ECIA Pump Station

Zoning District: Industrial-Light

Is project within a Planned Development? ☒ No
☐ Yes (list): _____

Is project within an Overlay District? ☐ No
☒ Yes (list): Watershed Protection Overlay

FOR OFFICE USE ONLY

Date Received: <u>JAN 13 2017</u>	Amount Paid: <u>Fee Waived</u>	File Number: <u>2017-05-SP</u>
TOWN OF CLAYTON PLANNING DEPARTMENT		

PROPERTY OWNER INFORMATION

Name: Novo Nordisk Pharmaceutical Industries Inc

Mailing Address: 3612 Powhatan Road, Clayton, NC 27527

Phone Number: 919-457-7167

Fax: _____

Email Address: galo@novonordisk.com

APPLICANT INFORMATION

Applicant: Town of Clayton

Mailing Address: PO Box 879, Clayton, NC 27528

Phone Number: 919-359-933

Fax: _____

Contact Person: Nancy Medlin

Email Address: nmedlin@townofclaytonnc.org

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Major Site Plan application.

To be completed by the applicant:			To be completed by staff:		
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: <u>12/16/2016</u>	☒	☐			
2. I have referenced the <i>Plan Requirements Checklist</i> and used this as a guide	☒				
3. Site Plan Review Fee (\$500 + \$5/acre)	☐	☒			
4. Completed application	☒				
5. Owner's Consent Form	☐	☐			
6. Plan sets meeting the requirements listed in the <i>Plan Requirements Checklist</i>	☒	☐			
7. Adjacent property owners list	☒	☐			
8. Wastewater allocation request OR verification of wastewater allocation	☐	☒			
9. Signed and sealed traffic impact analysis (2 copies) (required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC)	☐	☒			
10. Neighborhood meeting notice letter (1 copy)* See sample letter and meeting requirements included in this packet *Not required for subdivisions that are part of an approved planned development	☒	☐			
11. Neighborhood meeting summary form (1 copy) * Included in this packet *Not required for subdivisions that are part of an approved planned development	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

EXPLANATION OF PROJECT

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

The Town of Clayton is planning to construct a new sanitary sewer pump station, with a capacity of 3.0 million gallons per day (MGD), to convey wastewater flow from the East Clayton Industrial Area (ECIA).

APPLICANT AFFIDAVIT

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

> DAVID DeYOUNG
Print Name

[Signature]
Signature of Applicant

2/15/2017
Date



Neighborhood Meeting on February 2, 2017 at 6:00 pm

Subject:

Dear Clayton Area Property Owner:

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

Meeting Date:	February 2, 2017
Meeting Time:	6:00 pm
Meeting Location:	Clayton Town Hall
Type of Application:	Major Site Plan
Project/proposal property address:	3710 Powhatan Rd, Clayton, NC 27527
Description of project/proposal:	Construction of a new East Clayton Industrial Area (ECIA) sanitary sewer pump station.

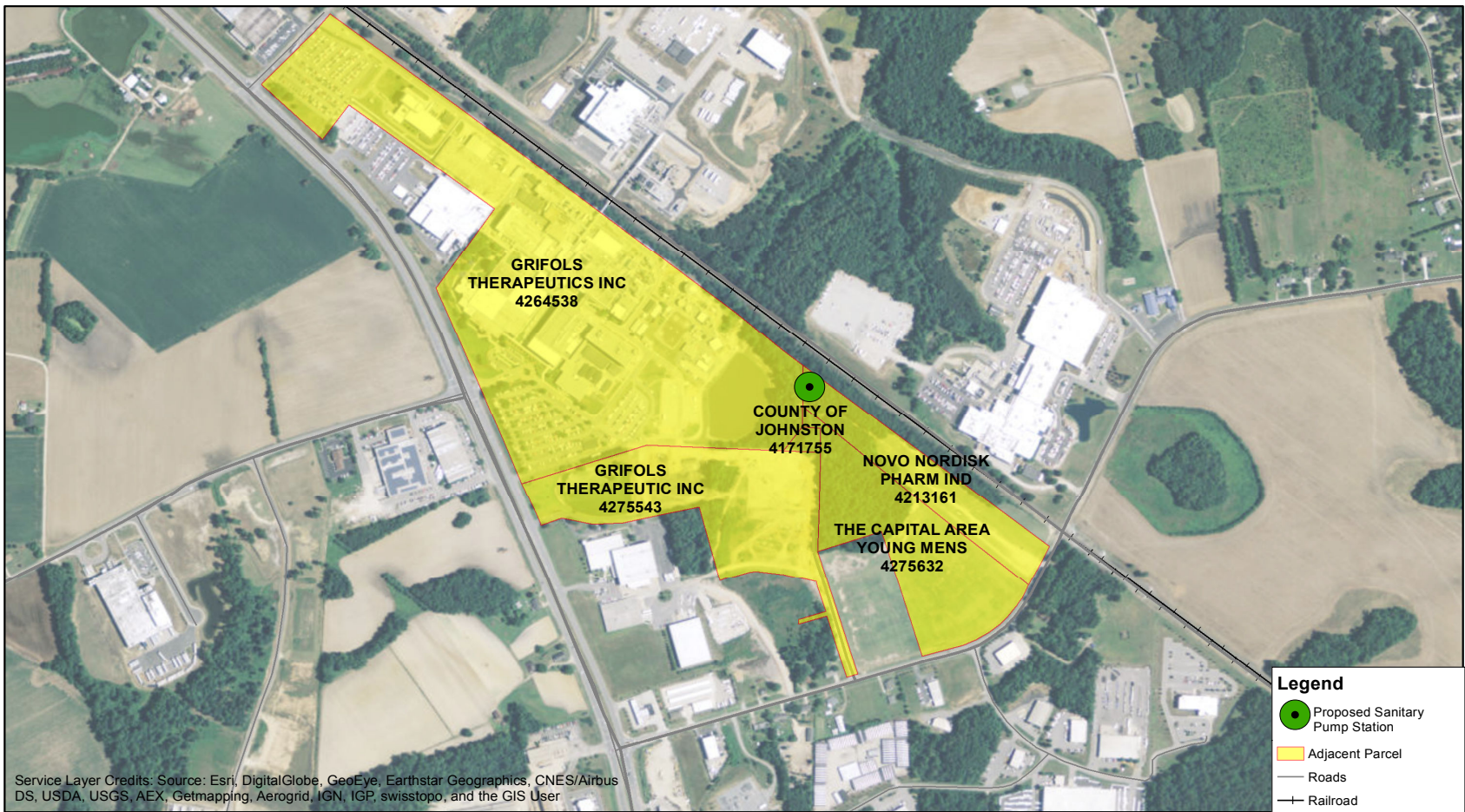
At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-359-9333. You may also contact the Planning Department at 919-553-5002.

Sincerely,
David DeYoung



NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Major Site Plan
Date of Mailing: _____
Date of Meeting: February 2, 2017 Time of Meeting: 6:00 pm
Location of Meeting: Clayton Town Hall

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Paralee Smith Signature: [Signature]

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

Started @ 6pm. No one came - ended @ 6:30pm.

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

ADJACENT PROPERTY OWNERS LIST

Project Name: Construction of a New ECIA Pump Station

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

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

PARCEL NUMBER	NAME	ADDRESS
167800-21-5181	Grifols Therapeutics Inc.	PO Box 110526, Durham, NC 27709-5526
167800-30-4225	Grifols Therapeutics Inc.	PO Box 110526, Durham, NC 27709-5526
167800-40-6294	Novo Nordisk Pharm Ind Inc.	3612 Powhatan Road, Clayton, NC 27527
167800-30-9377	County of Johnston	PO Box 1049, Smithfield, NC 27577
167700-49-6694	The Capital Area YMCA Inc.	1600 Hillsborough Street, Raleigh, NC 27527

CONTRACT DOCUMENTS

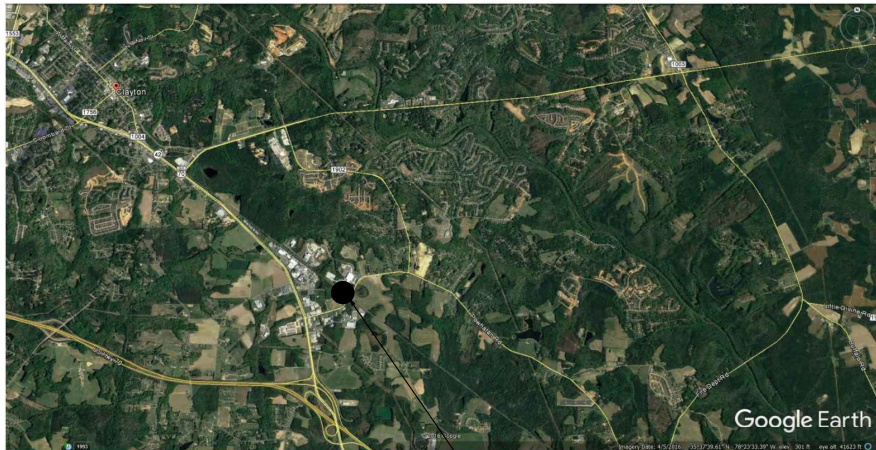
FOR THE CONSTRUCTION OF

EAST CLAYTON INDUSTRIAL AREA

WATER & WASTEWATER INFRASTRUCTURE IMPROVEMENTS

EDA INVESTMENT NO. 04-79-07152

Town of Clayton
Planning Dept.
Project Number:
2017-05-SP



TOWN OF CLAYTON, NC

VOLUME 3 OF 3
DRAWINGS

INDEX OF DRAWINGS

SHEET #	DWG #		
GENERAL			
01	G-00	COVER, LOCATION MAP, INDEX OF DRAWINGS	
02	G-01	ABBREVIATIONS	
03	G-02	CIVIL LEGEND AND GENERAL NOTES	
04	G-03	INSTRUMENTATION AND CONTROL LEGEND SHEET 1	
05	G-04	INSTRUMENTATION AND CONTROL LEGEND SHEET 2	
06	G-05	STRUCTURAL GENERAL NOTES	
07	G-06	ELECTRICAL LEGEND SHEET 1	
08	G-07	ARCHITECTURAL LEGEND AND GENERAL NOTES	
09	G-08	MECHANICAL LEGEND	
10	G-09	OVERALL KEY PLAN	
BORING LOGS			
11	B-01	BORING LOGS (WATER)	
12	B-02	BORING LOGS (SEWER)	
CIVIL			
13	C-01	NEW PUMP STATION SITE PLAN	
14	C-02	BESTWOOD DRIVE WATER MAIN PLAN AND PROFILE 1 OF 4	
15	C-03	BESTWOOD DRIVE WATER MAIN PLAN AND PROFILE 2 OF 4	
16	C-04	BESTWOOD DRIVE WATER MAIN PLAN AND PROFILE 3 OF 4	
17	C-05	BESTWOOD DRIVE WATER MAIN PLAN AND PROFILE 4 OF 4	
18	C-06	ECIA PROPOSED SEWER PLAN AND PROFILE 1 OF 4	
19	C-07	ECIA PROPOSED SEWER PLAN AND PROFILE 2 OF 4	
20	C-08	ECIA PROPOSED SEWER PLAN AND PROFILE 3 OF 4	
21	C-09	ECIA PROPOSED SEWER PLAN AND PROFILE 4 OF 4	
22	C-10	ECIA PROPOSED FORCE MAIN PLAN AND PROFILE 1 OF 2	
23	C-11	ECIA PROPOSED FORCE MAIN PLAN AND PROFILE 2 OF 2	
24	C-12	ECIA PROPOSED DOMESTIC WATER PLAN AND PROFILE 1 OF 2	
25	C-13	ECIA PROPOSED DOMESTIC WATER PLAN AND PROFILE 2 OF 2	
26	C-14	GRIFOLS PROPOSED FORCE MAIN PLAN AND PROFILE 1 OF 2	
27	C-15	GRIFOLS PROPOSED FORCE MAIN PLAN AND PROFILE 2 OF 2	
ARCHITECTURAL			
28	A-01	ARCHITECTURAL PLANS, ELEVATIONS AND CODE DATA	
YARD PIPING			
29	Y-01	NEW PUMP STATION YARD PIPING PLAN	
INSTRUMENTATION AND CONTROL			
30	N-01	P&ID WELL WELL PUMP STATION	
31	N-02	P&ID CONTROL BLOCK DIAGRAM	
32	N-03	STANDARD DETAILS	
33	N-04	STANDARD DETAILS	
HVAC			
34	M-01	HVAC FLOOR PLAN	
PROCESS MECHANICAL			
33	P-01	PUMP STATION PLAN	
34	P-02	PUMP STATION SECTIONS	
35	P-03	PUMP STATION DETAILS	
36	P-04	SELF PRIMING ENGINE DRIVEN PUMP PLAN AND SECTION	
STRUCTURAL			
35	S-01	NEW PUMP STATION ELECTRICAL BUILDING FOUNDATION PLAN AND SECTION	
36	S-02	NEW PUMP STATION ELECTRICAL BUILDING FOUNDATION PLAN AND SECTION	
37	S-03	WET WELLS 1 AND 2 FOUNDATION PLAN AND TOP PLAN	
38	S-04	WET WELLS 1 AND 2 CRANE FRAMING PLAN AND SECTION	
39	S-05	WET WELLS 1 AND 2 SECTION	
ELECTRICAL			
40	E-01	NEW PUMP STATION SITE PLAN	
41	E-02	NEW PUMP STATION ONE LINE DIAGRAM	
42	E-03	PUMP STATION PLAN	
43	E-04	ELECTRICAL BUILDING POWER AND LIGHTING PLAN	
STANDARD DETAILS			
44	SD-1	STANDARD DETAILS	
45	SD-2	STANDARD DETAILS	
46	SD-3	STANDARD DETAILS	
TOWN OF CLAYTON STANDARD DETAILS			
47	TD-1	TOWN OF CLAYTON STANDARD DETAILS	
48	TD-2	TOWN OF CLAYTON STANDARD DETAILS	
49	TD-3	TOWN OF CLAYTON STANDARD DETAILS	

For information regarding this project, contact:

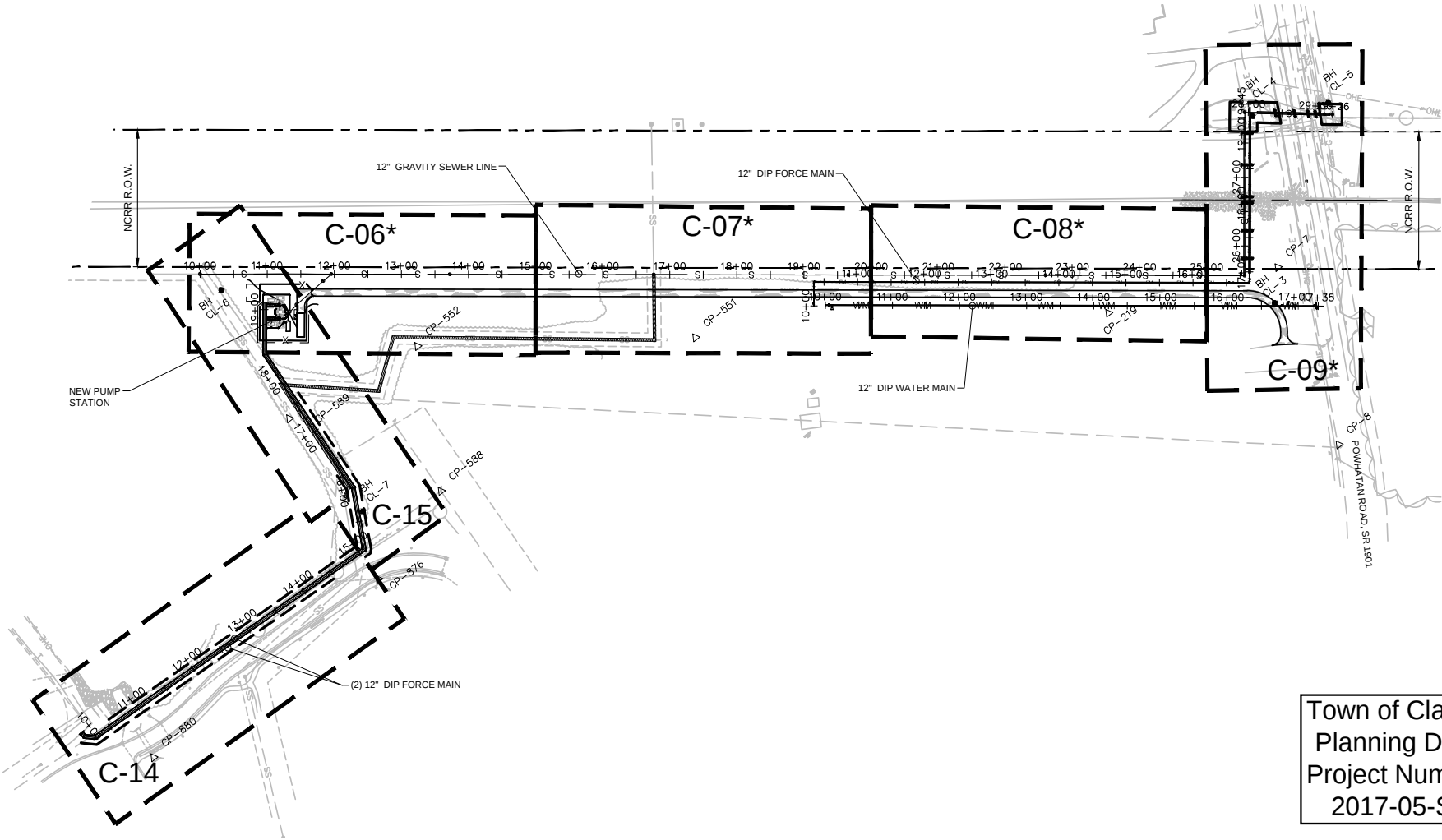
Phil Ogden, P.E.
3120 Highwoods Blvd.
Suite 214
Raleigh, NC 27604-0012
(919) 760-1767

ch2m
CH2M HILL North Carolina, Inc.
3120 Highwoods Boulevard, Suite 214
Raleigh, NC 27604
Tel: 919-875-4311 Fax: 919-875-8491
www.ch2m.com
License Number F-1277

Project No. 673583
JANUARY 2017

90% DOCUMENTS

SURVEY CONTROL POINT				
CP-#	ESTABLISHED TYPE OF MONUMENT	NORTHING	EASTING	ELEVATION
1	NAIL	678633.10	2175876.35	290.80
2	NAIL	678759.28	2175277.23	289.93
3	NAIL	678986.71	2175892.94	291.74
4	NAIL	679306.03	2175910.47	293.04
5	NAIL	679654.70	2175917.59	292.86
6	NAIL	679940.76	2175652.15	292.58
7	NAIL	679919.64	2175318.52	293.01
8	NAIL	679658.33	2175237.11	293.70
9	SPK	679407.69	2175150.81	292.21
10	SPK	679198.26	2174966.66	291.85
11	SPK	678937.57	2175089.09	289.23
219	NAIL	680017.29	2175076.67	293.43
551	NAIL	680356.86	2174561.75	287.56
552	NAIL	680594.43	2174222.40	277.56
588	EIP	680404.42	2174124.13	275.76
589	NAIL	680624.17	2174006.27	272.60
876	NAIL	680357.18	2173972.90	283.22
879	NAIL	679809.79	2174029.69	296.57
880	NAIL	680349.66	2173548.89	279.16
1300	NAIL	679255.57	2174596.10	295.32
1449	NAIL	679085.82	2175949.83	294.08
2289	NAIL	679150.91	2174334.22	296.55



SURVEY NOTES

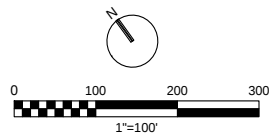
1. SURVEY COMPLETED BY WITHERS & RAVENEL INC., OCTOBER 2016.
2. THE FOLLOWING INFORMATION WAS USED TO OBTAIN N.C. GRID NAD 83 (2011)/NAVD 88 STATE PLANE COORDINATES (SPC) FOR THIS PROJECT:
 - 2.1. CLASS OF SURVEY: URBAN LAND SURVEYS (CLASS A)
 - 2.2. POSITIONAL ACCURACY: 0.04'
 - 2.3. GPS FIELD PROCEDURE: VRS
 - 2.4. DATES OF SURVEY: 9/28/16
 - 2.5. DATUM/EPOCH: NAD 83 (2011), EPOCH 2010.00
 - 2.6. PUBLISHED DATE/FIXED CONTROL USED: VRS, NCRD
 - 2.7. GEIOD MODEL: NCGEIOD12A
 - 2.8. COMBINED GRID FACTOR: 0.99989160
 - 2.9. UNITS: U.S. SURVEY FEET
 - 2.10. GRID/GROUND POINT: Y(N) 693,708.866 X(E) 2,165,900.108
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
4. LINES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM INFORMATION REFERENCED WITHIN THIS PLAT. THE PROPERTY LINES AND RIGHTS-OF-WAY SHOWN HEREON ARE BASED ON AN OVERALL COMPILATION OF RECORD DOCUMENTS SUPPORTED BY THE LOCATION OF PROPERTY CORNERS FOUND DURING THE COURSE OF THE SURVEY.
5. SUBJECT AREA IS NOT LOCATED WITHIN A FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAP 3720167800J AND 3720167700J DATED DECEMBER 2, 2005.

BOREHOLES			
BORE I.D.	NORTHING	EASTING	INVERT ELEVATION
CL-1	679448.00	2175935.00	SEE BORING LOGS
CL-2	679634.00	2176075.00	SEE BORING LOGS
CL-3	679881.00	2175284.00	SEE BORING LOGS
CL-4	680118.45	2175420.30	SEE BORING LOGS
CL-5	680066.58	2175522.42	SEE BORING LOGS
CL-6	680834.92	2174037.01	SEE BORING LOGS
CL-7	680450.45	2174013.32	SEE BORING LOGS
CL-8	679030.00	2175913.00	SEE BORING LOGS
CL-9	678560.00	2175838.00	SEE BORING LOGS
CL-10	678686.00	2175369.00	SEE BORING LOGS

NOTE: REFER TO SPECIFICATION 01 31 13 FOR BORING LOGS

* DRAWING SHEET OVERLAP	
C-09 :	C-11, C-13
C-08 :	C-10, C-12
C-07 :	C-10, C-12
C-06 :	C-01

Town of Clayton
Planning Dept.
Project Number:
2017-05-SP



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3120 Highlands Boulevard, Suite 214
Raleigh, NC 27604
License Number F-1277

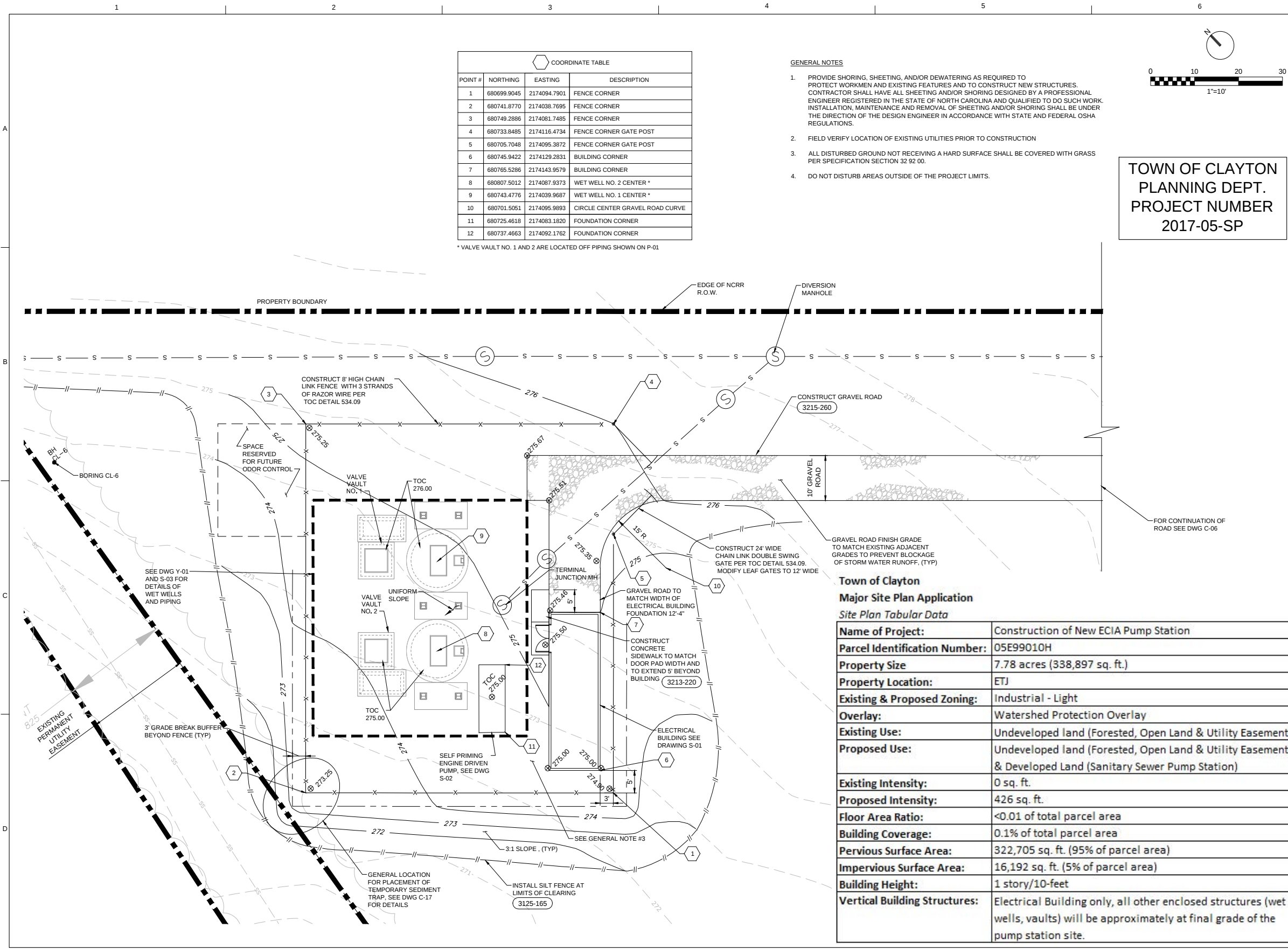
ch2m

CIVIL
ECIA LINEAR INFRASTRUCTURE
TOWN OF CLAYTON
CLAYTON, NC
ECIA OVERALL KEY PLAN,
SURVEY CONTROL, BOREHOLE
LOCATION AND SURVEY NOTES

#####	VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.	0 100 200 300 1"=100'
DATE	JANUARY 2017
PROJ	673583
DWG	G-09
SHEET	of

90% DESIGN REVIEW

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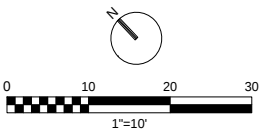
COORDINATE TABLE			
POINT #	NORTHING	EASTING	DESCRIPTION
1	680699.9045	2174094.7901	FENCE CORNER
2	680741.8770	2174038.7695	FENCE CORNER
3	680749.2886	2174081.7485	FENCE CORNER
4	680733.8485	2174116.4734	FENCE CORNER GATE POST
5	680705.7048	2174095.3872	FENCE CORNER GATE POST
6	680745.9422	2174129.2831	BUILDING CORNER
7	680765.5286	2174143.9579	BUILDING CORNER
8	680807.5012	2174087.9373	WET WELL NO. 2 CENTER *
9	680743.4776	2174039.9687	WET WELL NO. 1 CENTER *
10	680701.5051	2174095.9893	CIRCLE CENTER GRAVEL ROAD CURVE
11	680725.4618	2174083.1820	FOUNDATION CORNER
12	680737.4663	2174092.1762	FOUNDATION CORNER

* VALVE VAULT NO. 1 AND 2 ARE LOCATED OFF PIPING SHOWN ON P-01

GENERAL NOTES

1. PROVIDE SHORING, SHEETING, AND/OR DEWATERING AS REQUIRED TO PROTECT WORKMEN AND EXISTING FEATURES AND TO CONSTRUCT NEW STRUCTURES. CONTRACTOR SHALL HAVE ALL SHEETING AND/OR SHORING DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA AND QUALIFIED TO DO SUCH WORK. INSTALLATION, MAINTENANCE AND REMOVAL OF SHEETING AND/OR SHORING SHALL BE UNDER THE DIRECTION OF THE DESIGN ENGINEER IN ACCORDANCE WITH STATE AND FEDERAL OSHA REGULATIONS.
2. FIELD VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION
3. ALL DISTURBED GROUND NOT RECEIVING A HARD SURFACE SHALL BE COVERED WITH GRASS PER SPECIFICATION SECTION 32 92 00.
4. DO NOT DISTURB AREAS OUTSIDE OF THE PROJECT LIMITS.

TOWN OF CLAYTON
PLANNING DEPT.
PROJECT NUMBER
2017-05-SP



Town of Clayton
Major Site Plan Application
Site Plan Tabular Data

Name of Project:	Construction of New ECIA Pump Station
Parcel Identification Number:	05E99010H
Property Size	7.78 acres (338,897 sq. ft.)
Property Location:	ETJ
Existing & Proposed Zoning:	Industrial - Light
Overlay:	Watershed Protection Overlay
Existing Use:	Undeveloped land (Forested, Open Land & Utility Easement)
Proposed Use:	Undeveloped land (Forested, Open Land & Utility Easement) & Developed Land (Sanitary Sewer Pump Station)
Existing Intensity:	0 sq. ft.
Proposed Intensity:	426 sq. ft.
Floor Area Ratio:	<0.01 of total parcel area
Building Coverage:	0.1% of total parcel area
Pervious Surface Area:	322,705 sq. ft. (95% of parcel area)
Impervious Surface Area:	16,192 sq. ft. (5% of parcel area)
Building Height:	1 story/10-feet
Vertical Building Structures:	Electrical Building only, all other enclosed structures (wet wells, vaults) will be approximately at final grade of the pump station site.

ch2m

CIVIL
NEW PUMP STATION
SITE PLAN

CH2M HILL North Carolina, Inc.
3120 Highlands Boulevard, Suite 214
Raleigh, NC 27604
License Number F-1277

ECIA WATER AND WASTEWATER
INFRASTRUCTURE IMPROVEMENTS
TOWN OF CLAYTON
JOHNSON COUNTY, NC

VERIFY SCALE

BAR IS ONE INCH ON
ORIGINAL DRAWING.
0" 1"

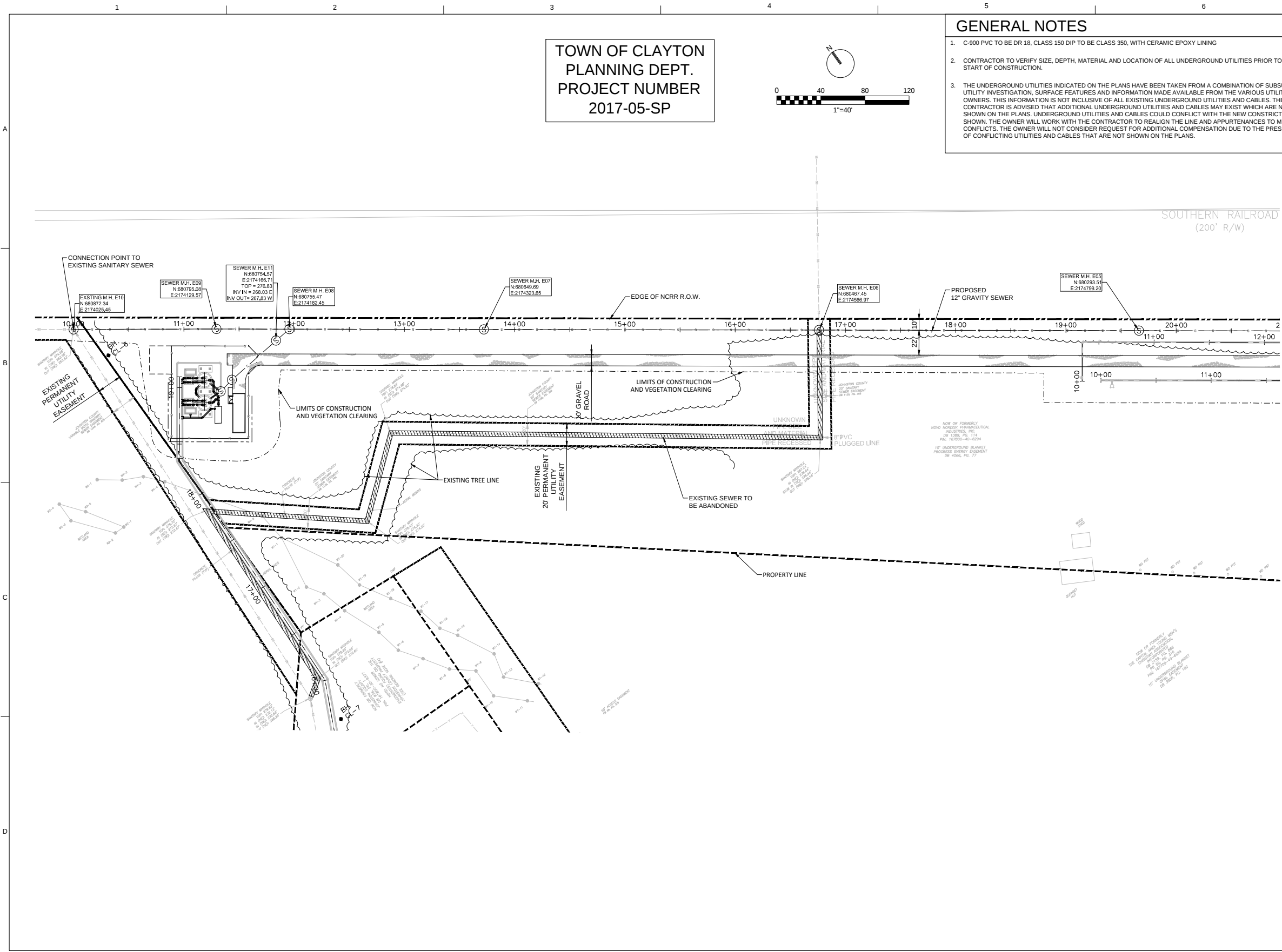
DATE	JANUARY 2017
PROJ	673583
DWG	C-01
SHEET	of

90% DESIGN REVIEW

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001-G-XBDRNO1_673583.dwg



GENERAL NOTES

1. C-900 PVC TO BE DR 18, CLASS 150 DIP TO BE CLASS 350, WITH CERAMIC EPOXY LINING
2. CONTRACTOR TO VERIFY SIZE, DEPTH, MATERIAL AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE START OF CONSTRUCTION.
3. THE UNDERGROUND UTILITIES INDICATED ON THE PLANS HAVE BEEN TAKEN FROM A COMBINATION OF SUBSURFACE UTILITY INVESTIGATION, SURFACE FEATURES AND INFORMATION MADE AVAILABLE FROM THE VARIOUS UTILITY OWNERS. THIS INFORMATION IS NOT INCLUSIVE OF ALL EXISTING UNDERGROUND UTILITIES AND CABLES. THE CONTRACTOR IS ADVISED THAT ADDITIONAL UNDERGROUND UTILITIES AND CABLES MAY EXIST WHICH ARE NOT SHOWN ON THE PLANS. UNDERGROUND UTILITIES AND CABLES COULD CONFLICT WITH THE NEW CONSTRUCTION AS SHOWN. THE OWNER WILL WORK WITH THE CONTRACTOR TO REALIGN THE LINE AND APPURTENANCES TO MINIMIZE CONFLICTS. THE OWNER WILL NOT CONSIDER REQUEST FOR ADDITIONAL COMPENSATION DUE TO THE PRESENCE OF CONFLICTING UTILITIES AND CABLES THAT ARE NOT SHOWN ON THE PLANS.

CH2M HILL North Carolina, Inc.
3120 Highlands Boulevard, Suite 214
Raleigh, NC 27604
License Number F-1277

ECIA WATER AND WASTEWATER
INFRASTRUCTURE IMPROVEMENTS
TOWN OF CLAYTON
JOHNSON COUNTY, NC

CIVIL
ECIA PROPOSED SEWER
PLAN AND PROFILE
1 OF 4

VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING. 1"

DATE JANUARY 2017
PROJ 673583
DWG C-06
SHEET of

NO. DATE DSGN

DR

CHK

REVISION

APVD

BY

APVD

P. OGDEN

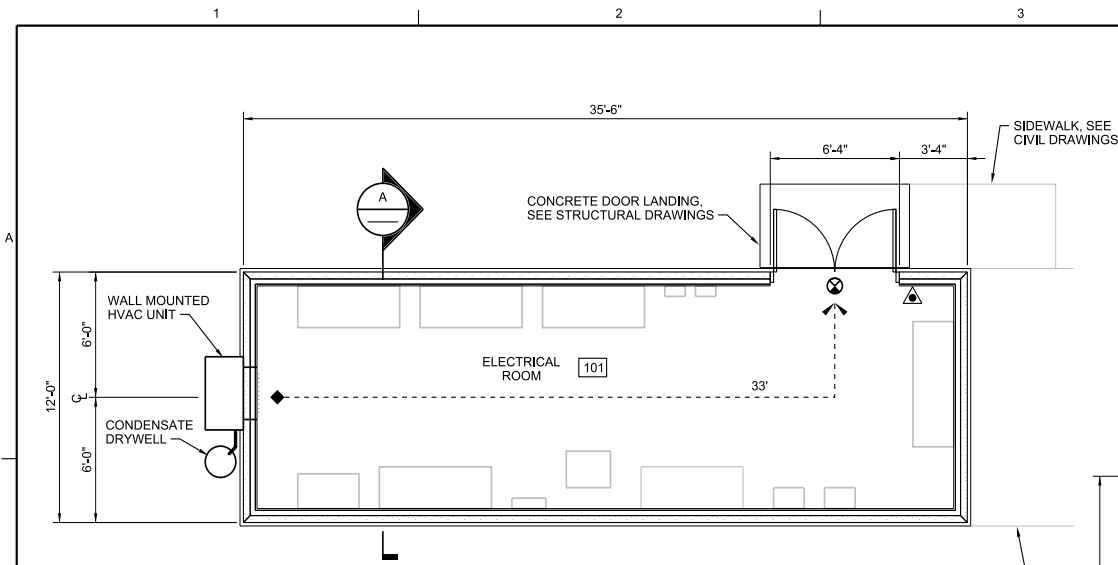
CH2M HILL 2012. ALL RIGHTS RESERVED.
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REUSE OF DOCUMENTS:
THIS DOCUMENT, AND THE DEAS AND DESIGNS INCORPORATED HEREIN AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CH2M HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CH2M HILL.

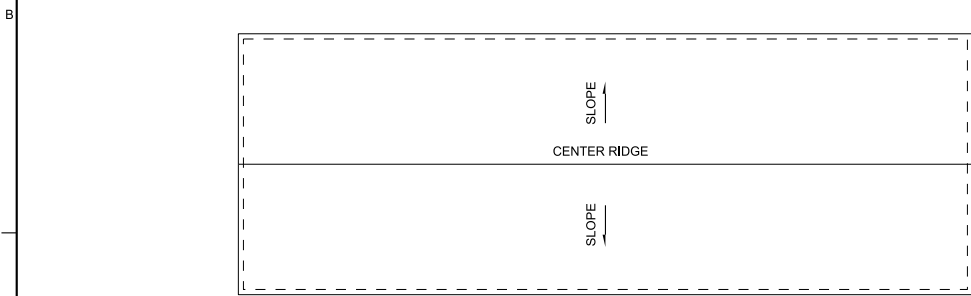
90% DESIGN REVIEW

Page 48 of 146

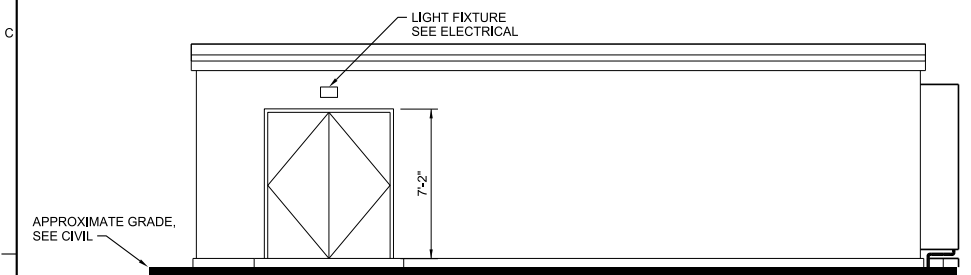
001-G-XBDRNO1_673583.dwg



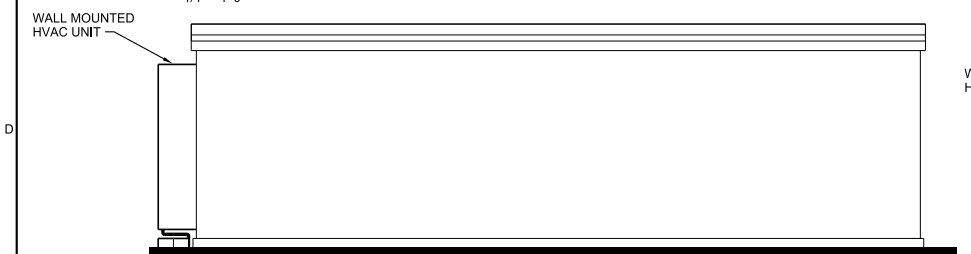
LIFE SAFETY / FLOOR PLAN
1/4" = 1'-0"



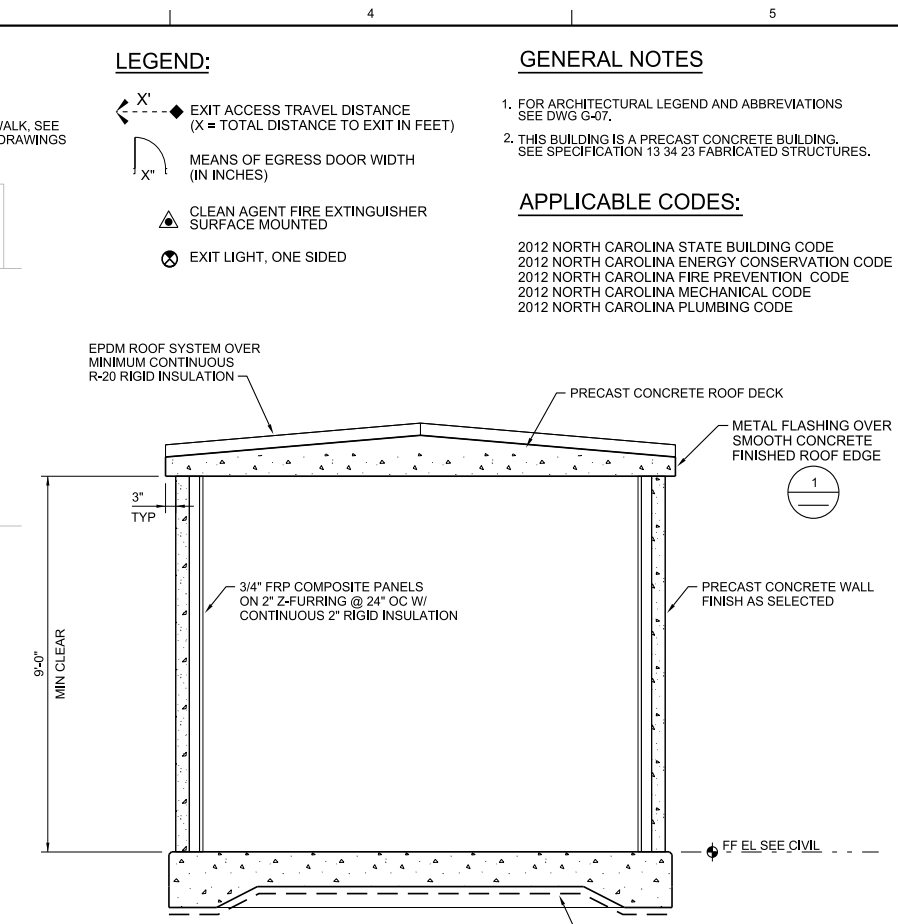
ROOF PLAN
1/4" = 1'-0"



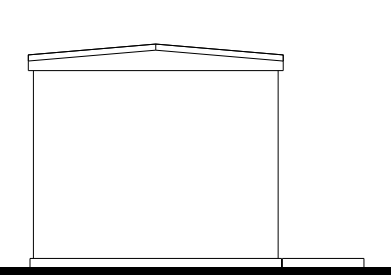
NORTH ELEVATION
1/4" = 1'-0"



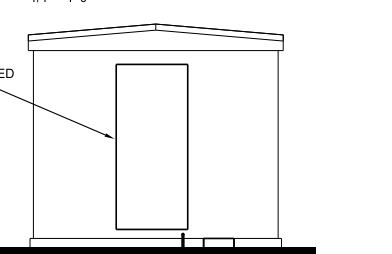
SOUTH ELEVATION
1/4" = 1'-0"



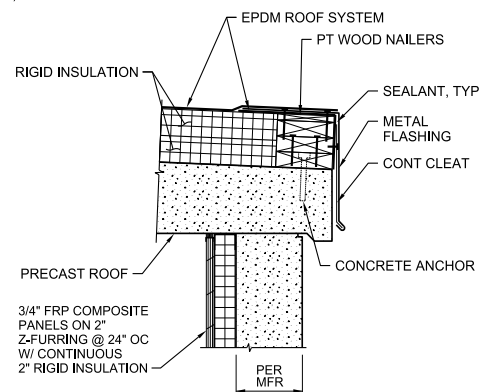
BUILDING SECTION
1/2" = 1'-0" (EQUIPMENT NOT SHOWN)



EAST ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"



1
1-1/2" = 1'-0"

- LEGEND:**
- EXIT ACCESS TRAVEL DISTANCE (X = TOTAL DISTANCE TO EXIT IN FEET)
 - MEANS OF EGRESS DOOR WIDTH (IN INCHES)
 - CLEAN AGENT FIRE EXTINGUISHER SURFACE MOUNTED
 - EXIT LIGHT, ONE SIDED

- GENERAL NOTES**
- FOR ARCHITECTURAL LEGEND AND ABBREVIATIONS SEE DWG 6-07.
 - THIS BUILDING IS A PRECAST CONCRETE BUILDING. SEE SPECIFICATION 13 34 23 FABRICATED STRUCTURES.
- APPLICABLE CODES:**
- 2012 NORTH CAROLINA STATE BUILDING CODE
 - 2012 NORTH CAROLINA ENERGY CONSERVATION CODE
 - 2012 NORTH CAROLINA FIRE PREVENTION CODE
 - 2012 NORTH CAROLINA MECHANICAL CODE
 - 2012 NORTH CAROLINA PLUMBING CODE

CODE DATA	
CODE REFERENCES ARE FROM THE 2012 NORTH CAROLINA STATE BUILDING CODE UNLESS OTHERWISE NOTED.	
ELECTRICAL BUILDING	
PROJECT LOCATION: 3710 POWHATAN RD. CLAYTON, NC 27527	ARCHITECT: BETH TRAUTWEIN 3011 SW WILLISTON ROAD GAINESVILLE, FLORIDA
GENERAL INFORMATION	
USE AND OCCUPANCY CLASSIFICATION (CHAPTER 3):	UTILITY AND MISCELLANEOUS GROUP U (312.1) NS
CONSTRUCTION CLASSIFICATION: (CHAPTER 6)	TYPE VB (602.5)
AREA AND HEIGHT LIMITATIONS	
MAXIMUM STORIES ALLOWED:	1 (IBC TABLE 503)
ACTUAL NUMBER OF STORIES:	1
MAXIMUM BUILDING HEIGHT ALLOWED:	40 FT (IBC TABLE 503)
ACTUAL BUILDING HEIGHT ABOVE GRADE:	10 FT
MAXIMUM BUILDING AREA ALLOWED PER FLOOR:	5,500 SF (IBC TABLE 503)
ALLOWABLE BUILDING AREA INCREASE:	NOT REQUIRED
ACTUAL BUILDING AREA:	426 SF
OCCUPANCY / EGRESS INFORMATION	
DESIGN OCCUPANT LOAD: ACCESSORY STORAGE AREAS, MECHANICAL ROOM (TABLE 1004.1.2)	429/300 = 2 PERSONS MAX
ACTUAL MINIMUM EGRESS DOOR WIDTH:	CLEAR WIDTH GREATER THAN 32 IN PROVIDED BY 36 IN EXIT DOORS
MINIMUM EGRESS DOOR WIDTH: (1008.1.1)	32 IN
NUMBER OF EXITS (TABLE 1021.2(2))	1
EXIT REQUIREMENTS	
MAX EXIT ACCESS TRAVEL DISTANCE (TABLE 1016.2)	300 FT (ACTUAL: 33 FT)
MAXIMUM COMMON PATH OF EGRESS TRAVEL (TABLE 1014.3):	100 FT (ACTUAL: 33 FT)
MAXIMUM DEAD END CORRIDOR:	NA
FIRE PROTECTION	
AUTOMATIC FIRE DETECTION & SPRINKLER SYSTEMS:	NOT PROVIDED, NOT REQUIRED
PORTABLE FIRE EXTINGUISHERS:	REQUIRED FOR CLASS C FIRES (906.3.3 & NFPA 10, 5.2.3)
ILLUMINATED EMERGENCY EXIT SIGNS:	REQUIRED (IBC 1011)
EXTERIOR WALL FIRE-RESISTANCE RATINGS:	NONE REQUIRED FOR TYPE VB CONSTRUCTION WITH FIRE SEPARATION DISTANCE = OR GREATER THAN 10 FT FOR GROUP U OCCUPANCY (IBC TABLE 602)
ACCESSIBILITY	
NOT REQUIRED - EQUIPMENT SPACES ONLY (IBC 1103.2.9)	
TOILET FACILITIES	
NOT PROVIDED	

CH2M HILL North Carolina, Inc.
3120 Hillsboro Road, Suite 214
Raleigh, NC 27604
License Number F-1277

ECIA LINEAR INFRASTRUCTURE
TOWN OF CLAYTON
CLAYTON, NC

ARCHITECTURAL
PLANS, ELEVATIONS AND CODE DATA

1/4" = 1'-0"
VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.
0 1"

DATE JANUARY 2017
PROJ 673583
DWG
SHEET of

90% DESIGN REVIEW

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Sheet No.
2 of 3



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

Planning Board
February 27, 2017

STAFF REPORT

Application Number: 2017-15-RZ

Project Name: Town Property at 2115 Amelia Church Rd.

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

Public Noticing:

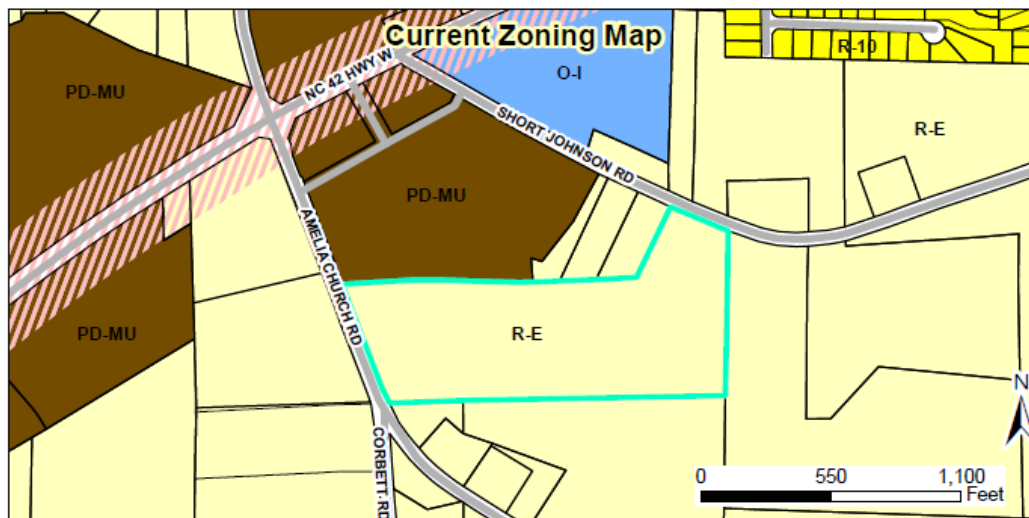
- Neighborhood meeting February 16, 2017
- Sign posted February 17, 2017
- Letters mailed prior to March 24, 2017
- Newspaper ad posted prior to April 3, 2017

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

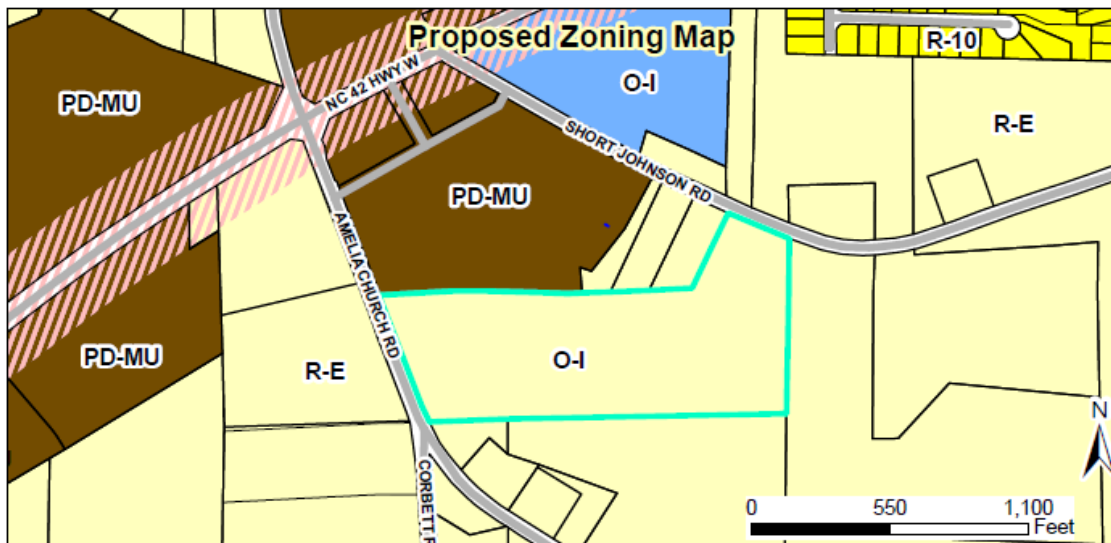


SITE DATA:**Acreage:** 19.98 acres**Existing Use:** Vacant**ADJACENT ZONING AND LAND USES:**

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

**STAFF ANALYSIS AND COMMENTARY:****Overview**

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

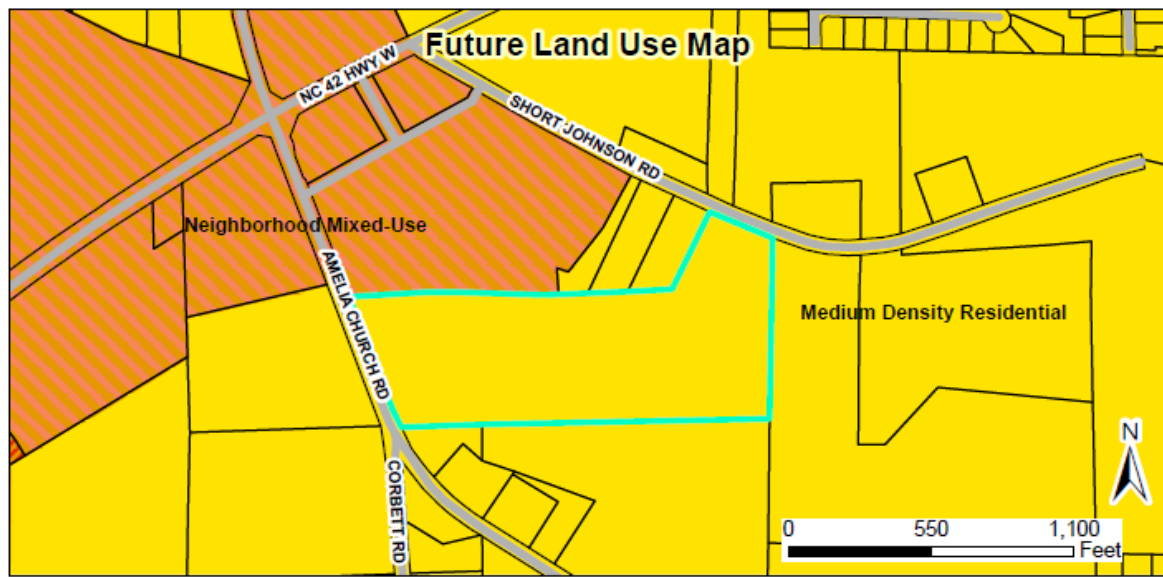


Compatibility with Surrounding Land Uses

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

Consistency with the Comprehensive Plan 2040

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



CONSIDERATIONS:

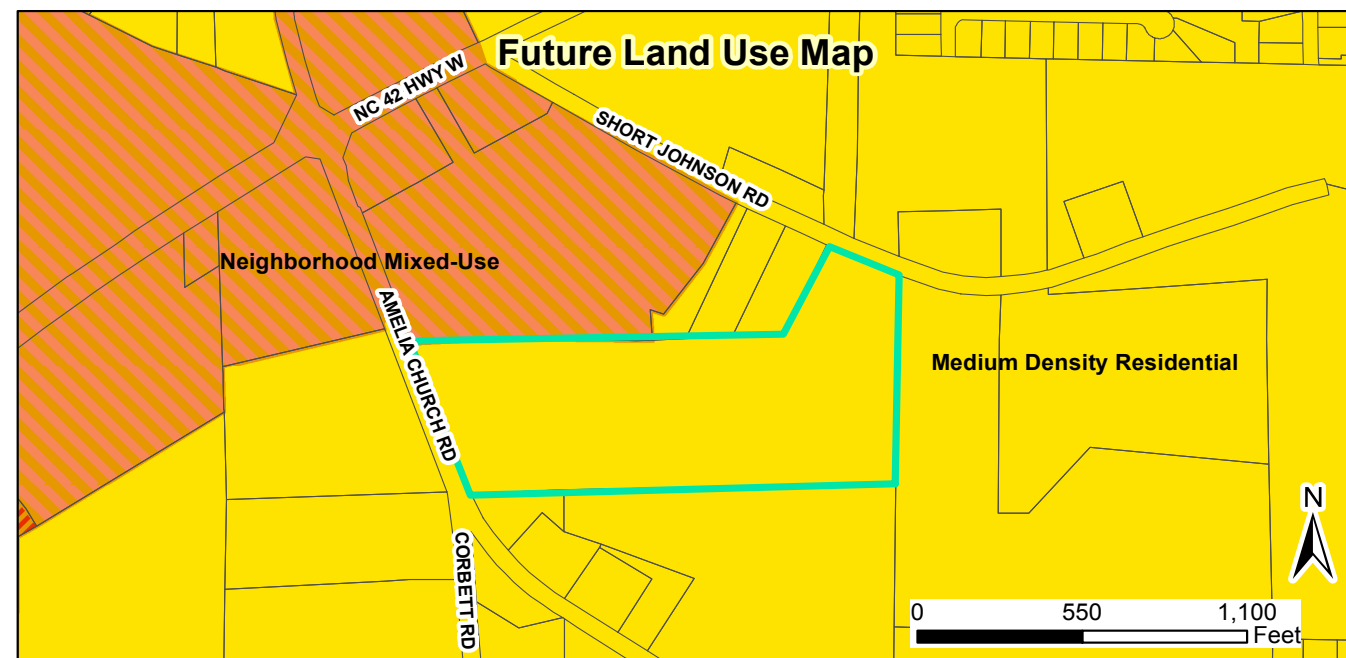
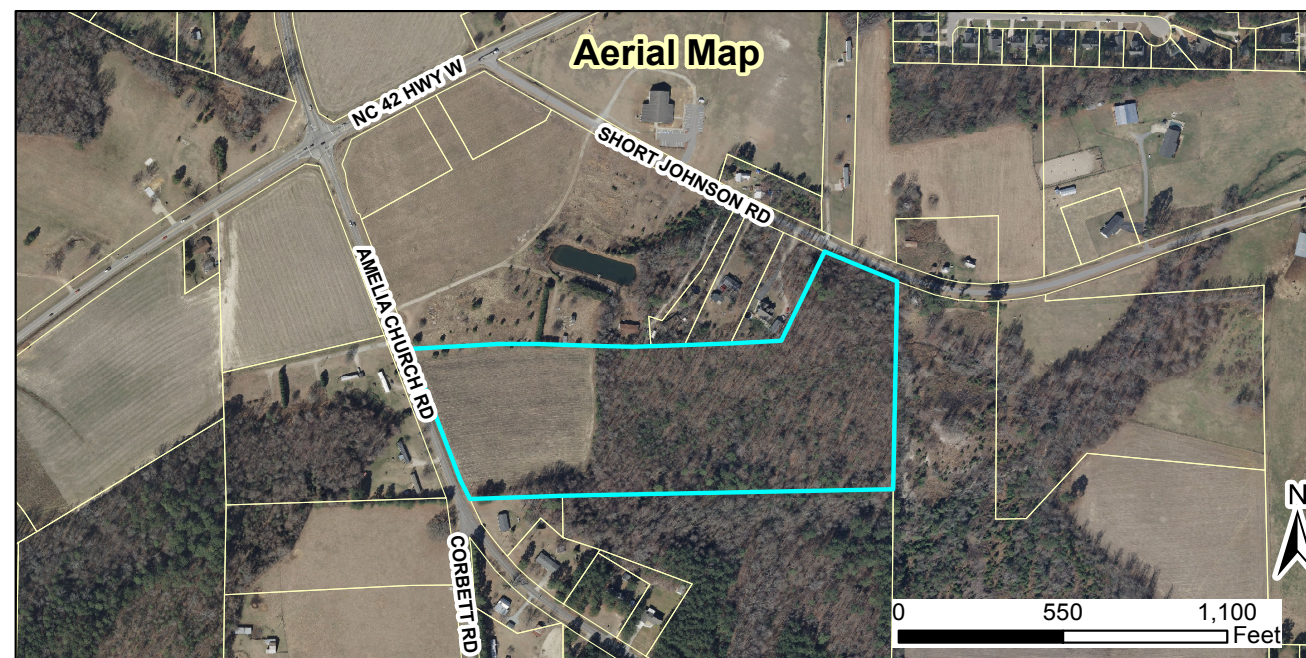
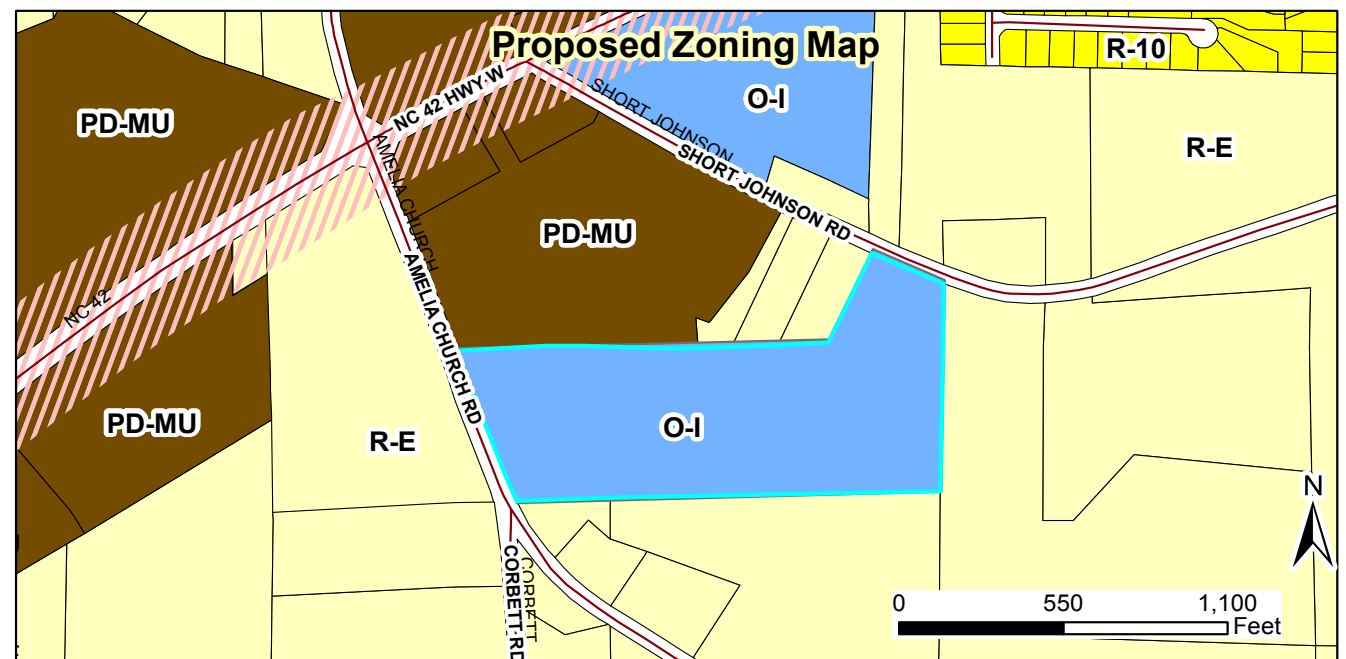
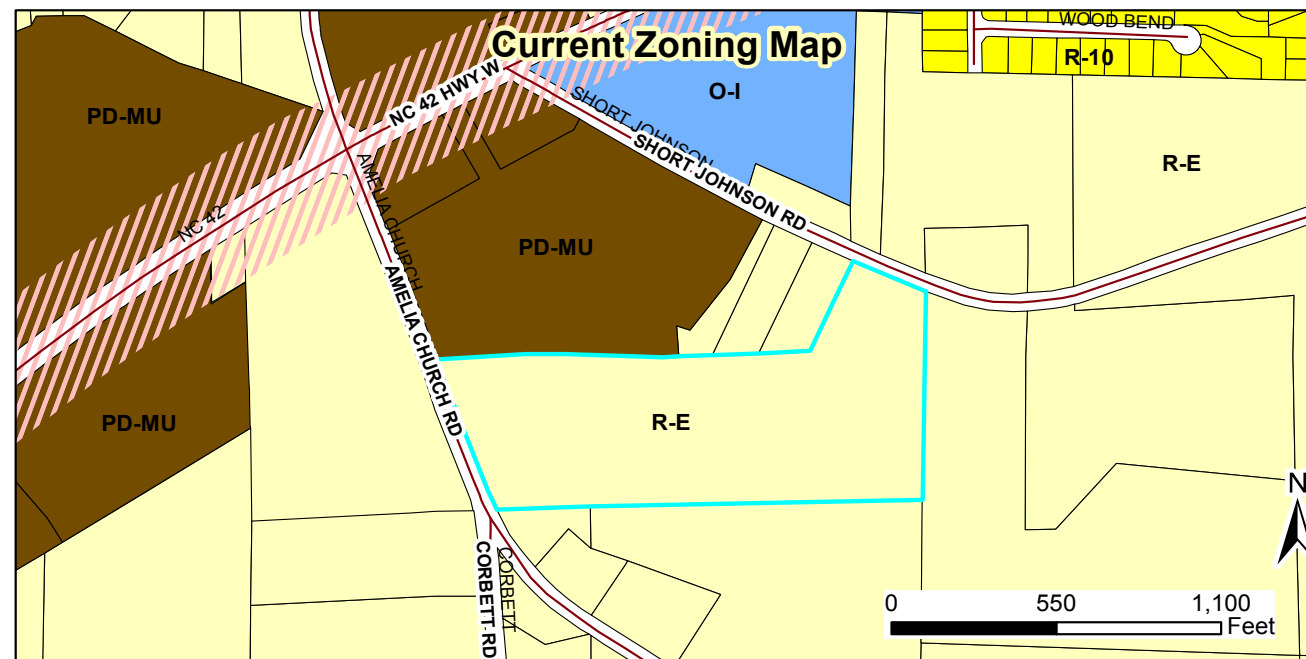
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

STAFF RECOMMENDATION:

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

ATTACHMENTS:

- 1) Staff Report Maps
- 2) Application
- 3) Neighborhood Meeting Materials – to be distributed at the Planning Board meeting.



2017-15-RZ Town Property Amelia Church Rd. Rezoning

Request: To rezone subject parcel from R-E to O-I

Applicant: Town of Clayton

Property Owners: Town of Clayton

Parcel ID: 165803-04-8891

Tag #: 05G03008B



Document Path: O:\PLANNING\REZONING\Rezoning\2017\2017-15-RZ Town Property at Amelia Church Rd\Maps\Staff

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





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

REZONING APPLICATION

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

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

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

SITE INFORMATION

Name of Project: Town Property (off Amelia Church Rd. & Short Johnson Rd.) Acreage of Property: 19.84 acres
County Tag Number: 05G03008B NC PIN: 165803-04-8891
Address/Location: 2115 Amelia Church Rd.
Existing Zoning District: R-E Residential Estate
Proposed Zoning District: O-I Office Institutional

APPLICANT INFORMATION

Applicant: Town of Clayton
Mailing Address: P. O. Box 879 Clayton, NC 27528
Phone Number: 919 553-5002 Fax: 919 553-1720
Contact Person: David DeYoung
Email Address: ddeyoung@townofclaytonnc.org

FOR OFFICE USE ONLY

Date Received: 2/6/2017 Amount Paid: _____ File Number: 2017-15-R2

PROPERTY OWNER INFORMATION

Name: Town of Clayton

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

Phone Number: 919 553-5002

Fax: 919 553-1720

Email Address: ddeyoung@townofclaytonnc.org

EXPLANATION OF PROJECT

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

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

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	☒			
2. Review Fee (\$500 for standard rezoning <u>OR</u> \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☐	N/A			
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).	☐	N/A			
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>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <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 rezoning is consistent with the adopted plans.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
O-I zoning is suitable for this property as it offers greater flexibility for offices, institutions and associated administrative, executive, professional and research uses.

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

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
Request for annexation of the property will run concurrently with the rezoning request. Yes
adequate public facilities and services will be available for the property.

5. It has been determined that the legal purposes for which zoning exists are not violated.
This is correct; they are not violated.

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

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

APPLICANT AFFIDAVIT

APPLICANT AFFIDAVIT

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

David DeYoung
Print Name


Signature of Applicant

2/8/2017
Date

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Adam Lindsay
TOWN MANAGER

The Premier Community



For Active Families

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

Michael Grannis
MAYOR PRO TEM

February 3, 2017

Dear Clayton Area Property Owner:

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

Meeting Date: February 16, 2017

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

Time: 6:00pm

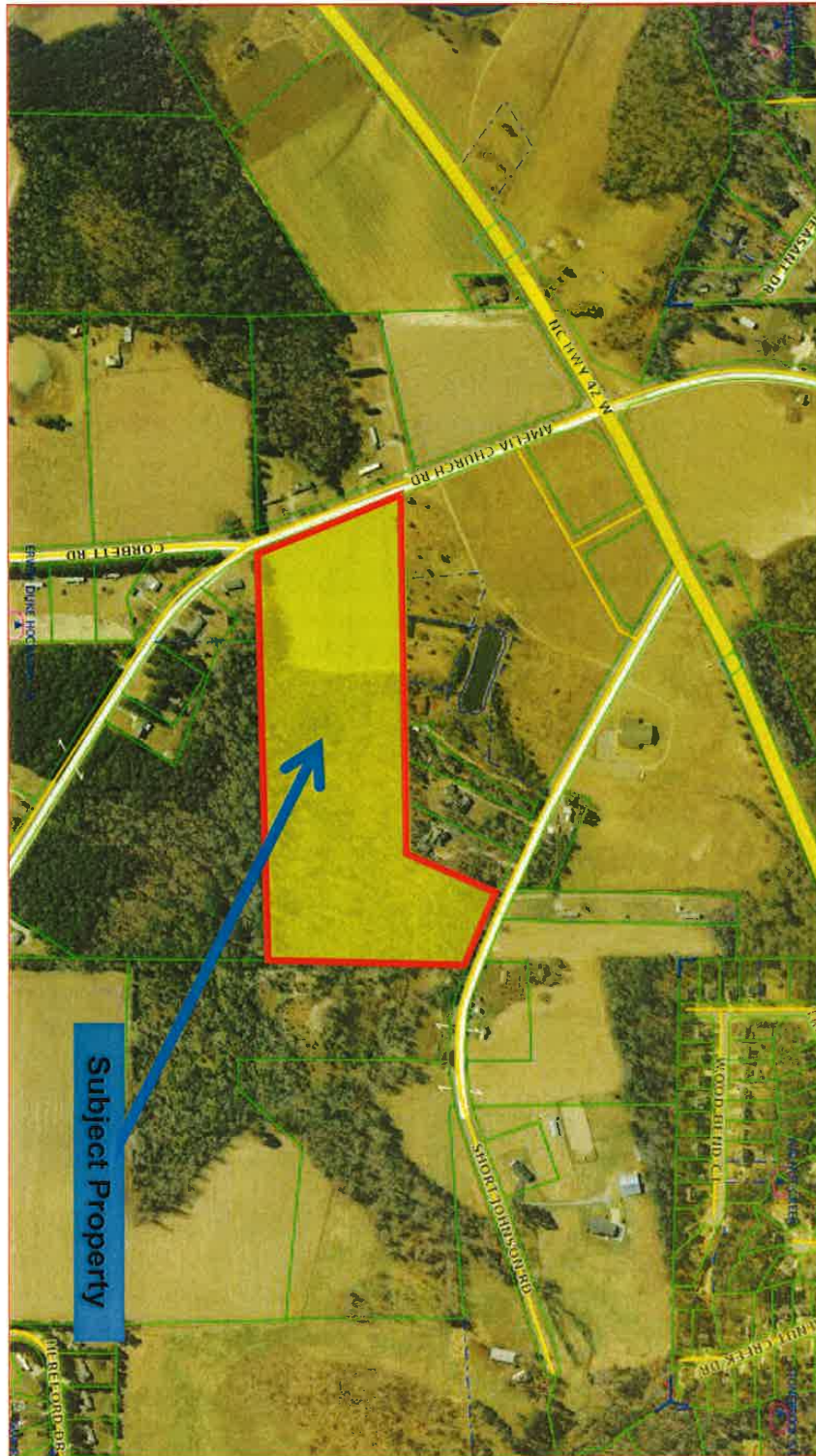
Type of Application: Rezoning

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

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

Sincerely,

Beth Franson, GISP
Planning Specialist
Town of Clayton



ADJACENT PROPERTY OWNERS LIST

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

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

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

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Town Property @ Amelia Church Rd.

Application: 2017-15-RZ

Location/Date: Clayton Town Hall - 111 E. Second St. Room 65223
2-16-2017 6:00pm - 8:00pm

	NAME	ADDRESS
1	Beth Franson	TOC Planning Staff
2	Jerry & Jan Allen	Corbett Rd.
3	Ricky & Pam ^{Blackmon}	220 Short Johnson Rd
4	2177 Amelia Rd	Mike Dockeys
5		
6		
7		
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9		
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11		
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20		

The neighborhood meeting began promptly at 6:00 pm. Jerry & Jan Allen at 217 Corbett Road were the first to arrive. They asked how the Town would develop the property. I replied at this time the Town had no plans to develop the property. They expressed that if the property were to be developed as a park that would be nice. They did have some concern that if the Town property was annexed that their property would also be annexed or that if the ETJ was expanded their property would be annexed. I assured Mr. & Mrs. Allen that it is not the intent of the Town to annex their property.

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

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



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

*Planning Board
February 27, 2017*

STAFF REPORT

Application Number: 2017-21-OA

Project Name: Use Regulations Update – 155.200 & .300
(Ordinance Amendment)

Applicant: Town

Public Noticing:

- Newspaper ad to be published March 22nd & March 29th

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

SECTIONS PROPOSED FOR AMENDMENT:

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

- o 103- Effective Date
- o 104- Jurisdiction
- o 106- Application of Regulations
- o 108- Compliance with Plans
- o 200- Districts Established
- o 202- Use Regulations
- o 301- Residential Use Standards
- o 303- Recreational Use Standards
- o 305- Commercial Use Standards
- o 306- Industrial Use Standards
- o 308- Accessory Structures and Uses
- o 802- Defined Terms

STAFF ANALYSIS AND COMMENTARY:

Overview

Page 1 of 2

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

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

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 155.
- **Novelty of the request**
The request does not introduce overly novel changes to the Code.
- **Correction of existing errors**
The request incorporates correction, clarification, or refinement of existing Code language.
- **Compliance with state or federal statutes or case law**
The request is consistent with all known state, federal, and case laws.

CONSIDERATIONS

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

STAFF RECOMMENDATION:

Staff is recommending approval.

CONDITIONS:

Staff has no recommendation of Conditions.

ATTACHMENTS:

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



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

ORDINANCE AMENDMENT APPLICATION

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

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Chapter 200 Amendment – Use Table and Zoning Districts
Zoning Districts (200), Land Use Regulations & Table
(202), Specific Use Standards (300s), and Defined Terms
Existing title of Code Section(s): (802)
Code Section Number(s): Title XV, Chapter 155, Articles 200, 202, 300-308, 311, 802

APPLICANT/CONTACT INFORMATION

Applicant: Town of Clayton, Planning Dept.
Mailing Address: P.O. Box 879, Clayton, NC 27528
Phone Number: 919-553-5002 **Fax:** _____
Contact Person: Jay McLeod (Senior Planner) or Haley Hogg (Planner)
Email Address: jwmcleod@townofclaytonnc.org or hhogg@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

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

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

FOR OFFICE USE ONLY

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

REQUIRED INFORMATION (to be submitted with the application)

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

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

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

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

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

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

The changes are primarily for clarification and refinement.

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

The changes are primarily for clarification and refinement.

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

The changes comply with known statutes and case law.

APPLICANT AFFIDAVIT

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

Jay McLeod
Print Name

Signature of Applicant

02/14/2017
Date

ARTICLE 1: GENERAL PROVISIONS

§ 155.103 EFFECTIVE DATE

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

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

§ 155.104 JURISDICTION

(A) Zoning Districts

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

(B) Future Land Use Districts

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

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

§ 155.106 APPLICATION OF REGULATIONS

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

(A) **COMPLIANCE REQUIRED**

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

(B) **ZONING PERMIT REQUIRED**

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

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

§ 155.108 COMPLIANCE WITH PLANS

(A) **APPROVED PLANS**

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

(B) **ADOPTED PLANS AND POLICIES**

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

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

§ 155.109 TRANSITIONAL PROVISIONS

(A) **CONFORMING USES AND STRUCTURES**

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

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

(B) **EFFECT OF AMENDMENT**

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

(C) **APPLICATIONS AND PRIOR APPROVALS**

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

- (a) Any building or development for which a permit was issued before the effective date of this Chapter may be completed in conformance with the issued permit and other applicable permits and conditions, even if such building or development does not fully comply with provisions of this Chapter.
- (b) Nothing in this Chapter shall require a change to a phasing plan approved prior to the adoption of this Chapter, provided construction is consistent with the terms and conditions of the phasing plan and proceeds to completion in a timely manner. The applicant shall ensure that a period of no more than two years without an active building permit occurs in order to continue a project under a previous phasing plan.
- (c) If construction is not completed according to the applicable permit terms, the Town Council may, for good cause shown, grant an extension of up to one year for such construction. If the building is not completed within the time allowed under the original permit or any extension granted, then the building may be constructed, completed or occupied only in compliance with this Chapter.

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

- (a) Any complete application submitted before the effective date of this Chapter or sections herein may be completed in conformance with applicable permits and conditions of the regulations in effect at the time of submission of the application, even if such application does not fully comply with provisions of this Chapter.
- (b) If construction is not commenced or completed according to the applicable terms of the application, the Town Council may, for good cause shown, grant an extension of up to one year for such construction. If the building or improvements are not completed within the time allowed under the original application or any extension granted, then the building or improvements may be constructed, completed, or occupied only in compliance with this Chapter.

(3) **Prior Approvals**

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

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

ARTICLE 2: ZONING DISTRICTS

§ 155.200 DISTRICTS ESTABLISHED

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

(A) INTERPRETATION OF ZONING DISTRICT BOUNDARIES

(1) Defined

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

(2) Rules for Interpretation

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

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

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

1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.
4. Where a district boundary divides a lot or where distances are not specifically indicated on the zoning map, the boundary shall be determined by measurement, using the scale of the zoning map.

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

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

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

(1) **Residential Districts**

- (a) ***R-E | Residential-Estate.*** The R-E district is comprised of low density, single-family dwellings, and other selected uses which are compatible with the open and rural character of the area. The established regulations for this district are designed to promote and encourage an environment for family life and agriculture. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted.
- (b) ***R-10 | Single-Family Residential-10.*** The R-10 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at relatively low densities characterized predominantly by owner-occupied, single-family detached units. The district requirements protect existing neighborhoods from undesirable or incompatible uses. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (c) ***R-8 | Single-Family Residential-8.*** The R-8 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at suburban densities characterized predominantly by owner-occupied, single-family detached units. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (d) ***R-6 | Single-Family Residential-6.*** The R-6 district is established to provide for orderly suburban residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density which include multi-family dwellings mixed with other housing types. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.

(2) **Nonresidential Districts**

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

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

- (b) **O-I | Office-Institutional.** The O-I district is intended to permit offices, institutions, and associated administrative, executive, professional and research uses in new and existing structures and limited retail uses. Such offices and ~~instructional user should be institutional uses are generally~~ located along ~~or proximate to~~ major roadways, ~~or adjacent to commercial uses to and may act as a buffer between such roadways areas~~ and residential uses.
- (c) **B-1 | Central-Business.** The B-1 district is intended to foster a vibrant, safe, ~~central business district and~~ town center by encouraging ~~dense~~ residential development while retaining and further developing a broad range of commercial, ~~retail, service, office, institutional, public, cultural, and entertainment uses and activities.~~ The district is intended to define and promote the town center as a desirable place to live, work, ~~shop,~~ and recreate.
- (d) **B-2 | Neighborhood-Business.** The B-2 district provides opportunities for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive, and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation, and utilities.
- (e) **B-3 | Highway-Business.** The B-3 district provides ~~locations of opportunities for~~ offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. Located on major and minor thoroughfares, ~~and, therefore, are this district is~~ accessible to and serves the entire community. Site design and buffering mitigate impacts of traffic, operations, and scale on adjacent businesses and residential neighborhoods.
- (f) **I-1 | Industrial-Light.** The I-1 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities. The regulations of this district are intended to prohibit the use of land for industries that by their nature may create ~~some very minor~~ nuisance to surrounding properties.
- (g) **I-2 | Industrial-Heavy.** The I-2 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. ~~Indented-Intended~~ for heavy industries that, by their nature, may create some nuisance, and which are not properly associated with or are compatible with nearby residential or business districts, warehousing and wholesaling activities, and research facilities.
- (h) **PF | Public Facilities.** The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PF district is primarily intended for, although not limited to,

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

(3) **Planned Development Districts**

- (a) **PD-R | Planned Development-Residential.** The PD-R district provides opportunities for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in a residential district or greater scrutiny by the Town due to their scale.
- (b) **PD-C | Planned Development-Commercial.** The PD-C district is intended to enhance the design of a commercial development by allowing for additional flexibility not available in the nonresidential districts. The district allows for innovations and special features in site development, including the location and type of structures, the conservation of natural features, the conservation of energy, and the efficient use of open space.
- (c) **PD-I | Planned Development-Industrial.** The PD-I district is intended to provide a means of achieving unified industrial complexes of high quality to promote amenities beyond those expected under conventional techniques, to achieve greater flexibility in design, to encourage well-planned industrial developments that provide for community needs, to provide for appropriate use of land which is significantly unique in its physical characteristics, location or other circumstances to warrant special methods of development, and to allow the expansion of existing industrial areas while safeguarding and maintaining the integrity of surrounding uses, especially those of a residential nature.
- (d) **PD-MU | Planned Development-Mixed Use.** The PD-MU district is intended to provide coordinated mixed use developments which include light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

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

- (1) Pursuant to G.S. § 160A-382, the Town Council may establish by ordinance various special use districts upon request by or on behalf of all owners. Parallel special use districts shall be designated by adding "-SUD" to the corresponding general use district.
- (2) All zoning regulations that apply to the general use district are the minimum within the corresponding special use district.
- (3) A special use district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may limit the number of uses.
- (4) Under each special use district, all uses must be approved through the issuance of a special use permit granted by the Town Council in accordance with § 155.711. However, a special use

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

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

(C) **OVERLAY DISTRICTS**

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

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

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

- (a) The Watershed Protection Overlay (WPO) is hereby established as a district that overlays the designated water supply watershed. The designated water supply watershed under this district is defined and established by the overlay district "Watershed Protection Overlay" on the zoning map. Land use and development within the WPO must comply with all the requirements of both the underlying zoning district and the watershed overlay.
- (b) The designated water supply watershed within the Town is designated by the state as a Class IV watershed protected area (WS-IV PA) and is referred to as the Neuse River (Smithfield) watershed within the Neuse River basin. Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this program. See § 155.501 for watershed protection standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

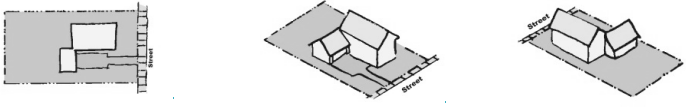
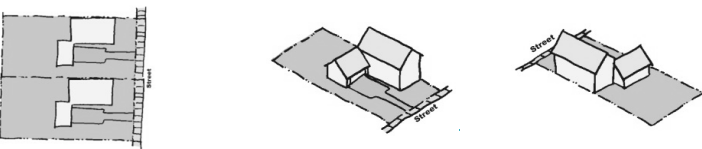
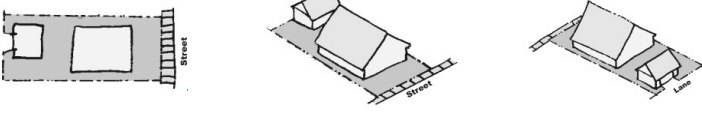
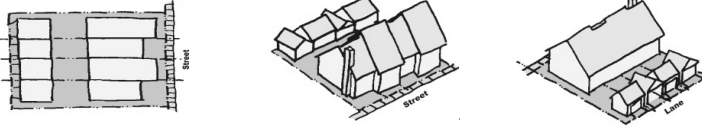
(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09, Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016)

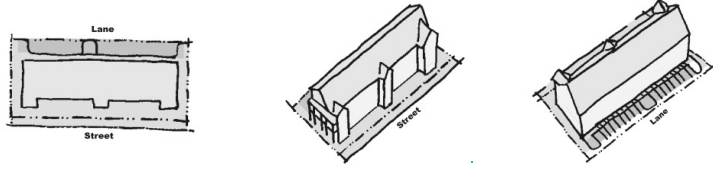
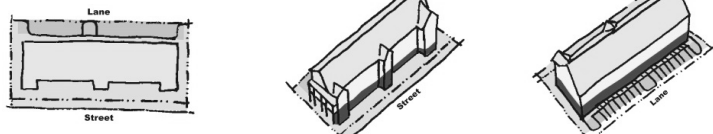
§ 155.202 LAND USE REGULATIONS

(A) HOUSING TYPES

(1) Definitions

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

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

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

(A) **USE REGULATIONS TABLE**

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

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

- (a) **Permitted.** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through [155.307155.311](#). Such uses are also subject to all other applicable requirements of this chapter.
- (b) **Conditional Use Review.** A "C" indicates a use that may be permitted in the respective general use district only where approved by the Board of Adjustment in accordance with § 155.710. Conditional uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through [155.307155.311](#), except where such use standards are expressly modified by the Board of Adjustment as part of the conditional use approval.
- (c) **Special Use Review.** An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through [155.307155.311](#), except where such use standards are expressly modified by the Town Council as part of the special use approval.
- (d) **Specific Use Section.** The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through [155.307155.311](#). Where no cross-reference is shown, no additional use standard shall apply.
- (e) **Uses Not Permitted.** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:

1. Open dump;

2. Outdoor gun range; and

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

(2) Uses

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

§ 155.202 - Table 2-1 Use Regulations

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

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

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

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

ARTICLE 3: SPECIFIC USE STANDARDS

§ 155.300 USE INTERPRETATION

(A) **USES**

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

(B) **USES NOT SPECIFICALLY LISTED**

- (1) Any use not specifically listed in this chapter is expressly prohibited, unless the Planning Director determines in accordance with § 155.715, that the use is similar to a use or uses listed in this chapter. Where an unlisted use is similar to a use listed in Table 2-1 (§ 155.202~~(B)~~), the unlisted use shall also be subject to the similar uses standards and approval process. The Planning Director shall not amend this chapter by adding to or eliminating any use standard for the unlisted use.
- (2) Where an unlisted use is found by the Planning Director not to be similar to any other use listed in Table 2-1 (§ 155.202~~(B)~~), the use shall be permitted only following a text amendment in accordance with § 155.703. The decision of the Planning Director may not be appealed to the Board of Adjustment.
- (3) When considering the appropriate districts for a use not listed in the Use Regulations Table, the district intent statements (see §~~155.200-155.203(A)~~) shall be taken into consideration.
- (4) Determination of an appropriate category for a proposed use not currently listed shall be made by applying the following criteria.
 - (a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
 - (b) The relative amount of site area or floor space and equipment devoted to the activity.
 - (c) Relative amounts of sales from each activity.
 - (d) The customer type for each activity.
 - (e) The relative number of employees in each activity.

- (f) Hours of operation.
- (g) Building and site arrangement.
- (h) Types of vehicles used and their parking requirements.
- (i) The relative number of vehicle trips generated.
- (j) Signs.
- (k) How the use is advertised.
- (l) The likely impact on surrounding properties.
- (m) Whether the activity is likely to be found independent of the other activities on the site.

(C) **DEVELOPMENTS WITH MULTIPLE USES**

- (1) Nonresidential, townhouse, and apartment complexes may be established on a single unified parcel, provided that the following requirements are met. Except as set forth above, no more than one principal building or use may be erected on a single lot of record.
- (2) Development with multiple uses shall meet all applicable development standards as set forth in §§ 155.200 through 155.204, §§ 155.400 through ~~155.405~~155.404 and §§ 155.500 through 155.502. Applicants shall comply with all other provisions in this chapter and all other applicable laws.
- (3) When the principal uses of a development fall within different group of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.
- (4) A development comprised of uses regulated by separate rows on the Use Regulations Table shall be reviewed using the most restrictive process from among the proposed uses. If a proposed development on a single parcel includes a special use review, then the entire development requires special use review.
- (5) Where a use requiring approval as a conditional use or a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

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

§ 155.301 RESIDENTIAL USE STANDARDS

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

(A) ADULT CARE HOME

- (1) An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.
- (2) In the R-E District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 4,000 square feet of lot area per occupant.
- (3) In the R-10 District, an adult care home shall provide least 150 square feet of gross floor area per occupant and 2,000 square feet of lot area per occupant.
- (4) In the R-8 District, an adult care home shall provide least 150 square feet of gross floor area per occupant and 1,600 square feet of lot area per occupant.
- (5) In the R-6 District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 1,200 square feet of lot area per occupant.
- (6) Pursuant to N.C. General Statutes 168-22, an Adult Care Home shall not be located within a ½ mile radius of an existing Adult Care Home.

~~(B) ALLEY-LOADED HOUSE~~

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

~~(4)(1) An alley shall be provided to the rear of all alley-loaded houses. All vehicular access shall take place from the alley. No parking shall be permitted in the required street yard.~~

~~(F)~~(B) APARTMENTS

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

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

- (2) No off-street parking space shall be located closer than ten feet to any residential building wall.
- (3) For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median is required at the main entrance to the community.
- (4) Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.

(C) **BOARDING HOUSE**

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

- (1) Boarding houses shall meet the standards of § 152.25 of the Town Code of Ordinances.
- (2) Each boarding house shall have a full-time resident manager.
- (3) Fifteen square feet of common living area other than kitchens, hallways and bathrooms shall be provided per occupant.
- (4) A boarding house shall not be located within 1,000 feet, as measured in any direction from property line to property line, of another boarding house.

(D) **CHILD CARE HOME**

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

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

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

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

- (3) In the R-8 District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 1,600 square feet of lot area per occupant.
- (4) In the R-6 District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 1,200 square feet of lot area per occupant.
- (5) Where abutting a residential use, visual buffers shall be provided so as to shield all parking areas, play areas and outdoor activity from abutting property. Such buffer shall consist of trees or other vegetation of such height and depths as determined by the Board of Adjustment or an appropriate fence or wall or combination thereof.

(E) **MANUFACTURED HOME**

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

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

- (1) The manufactured home shall be set up and tied down in accordance with the standards set by the North Carolina Department of Insurance.
- (2) The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- (3) The manufactured home shall have a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- (4) Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall with a finished surface and constructed in accordance with North Carolina Building Code regulations. The foundation shall be unbroken except for required ventilation and access, and installed under the perimeter of the manufactured home.
- (5) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.
- (6) The exterior siding shall consist predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in

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

- (7) The moving hitch, wheels and axles, and transporting lights shall be have been removed.
- (8) At least two off-street parking spaces shall be provided.
- (9) The lot shall be cleared of all excess growth and graded to provide adequate drainage.
- (10) All areas not used for parking, manufactured homes, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion.
- (11) All standards must be met prior to issuance of a certificate of occupancy.

(F) **MANUFACTURED HOME PARKS**

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

(1) **General Requirements**

- (a) Notwithstanding the criteria set forth in division (F) above, manufactured homes located within manufactured home parks shall be in accordance with all of the requirements of division (F) above, except divisions (F)(2), (F)(3) and (F)(4) shall not apply to manufactured homes located in manufactured home parks. All new or replacement manufactured homes located in manufactured home parks shall be a minimum of 12 feet in width, measured at the narrowest part of the shortest axis of the home, and shall contain a minimum of 480 square feet of enclosed and heated living area. The foundation area of the manufactured home shall be at a minimum, completely screened with faux skirting panels constructed from durable vinyl, or panels simulating a faux brick, rock or stone finish. The skirting shall be completely framed including a bottom track. The foundation screening must be kept in a well maintained condition.
- (b) All manufactured home parks shall be a minimum of three acres in size.
- (c) No living compartment or structure, other than a Florida Room or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered with a roof and open on three sides may be permitted if yard space requirements of this chapter are not violated, and if such addition complies with the North Carolina Building Code.
- (d) Up to two manufactured home park identification signs may be utilized, but the sum of the areas of one side of these signs shall not exceed 40 square feet. Only external, non-flashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.

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

(2) Streets and Parking

- (a) Each manufactured home shall abut upon an improved street or driveway, which shall have unobstructed access to a Town or state maintained road.
- (b) Streets shall have a minimum paved width of 20 feet. In addition, every such street shall lie within a cleared right-of-way having a minimum width of 40 feet.
- (c) Maintenance of such streets shall be provided by the owner or operator of the park.
- (d) Permanent dead-end streets or cul-de-sacs shall not exceed 500 feet in length and shall be provided with a turnaround of at least 70 feet in diameter.
- (e) Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 75 degrees. Where a street intersects a public street or road, the design standards of the North Carolina Highway Commission shall apply.
- (f) New street names or manufactured home park names shall not duplicate nor be similar to existing street names or manufactured home park names in the area.
- (g) A minimum of two paved parking spaces shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any street in the park.
- (h) No manufactured home lots shall be located within the 100-year floodway area, as shown on the latest National Flood Insurance Program map for the Town.

(3) Lot Size and Lot Width Requirements

- (a) Lots served by community or public water and sewer shall have a minimum lot size of 6,000 square feet and have a minimum lot width of 50 feet at the front building line. The maximum coverage of the lot by the unit and any accessory structures shall not exceed 40% of the lot area.
- (b) Lots served by individual septic tank and individual well shall have a minimum lot size of 25,000 square feet and have a minimum lot width of 75 feet at the front building line. The maximum coverage of the lot by the unit and any accessory structures shall not exceed 40% of the lot area.
- (c) Lots served by community or public water and individual septic tank or public sewer and individual well shall have a minimum lot size of 15,000 square feet and have a minimum lot width of 75 feet at the front building line. The maximum coverage of the lot by the unit shall not exceed 40% of the lot area.

(4) **Project Boundary Buffer**

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

(5) **Yard Requirements**

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

1. Minimum depth of street yard, measured from front lot line: 20 feet.
2. Minimum width of side yard, measured from side lot line:
 - A. Ten feet.
 - B. Six feet, if served by public water and sewer.

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

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

(6) **Utility Requirements**

(a) **Water**

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

(b) **Sewer**

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

(c) **Solid Waste**

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

2. All solid waste containing garbage shall be stored in a standard fly-tight, watertight, rodent-proof container, which shall be located at each manufactured home space, or an approved bulk container site. The manufactured home park management shall be responsible for the proper storage, collection, and disposal of solid waste as specified by the County Health Department.
3. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation.
4. No junked or abandoned vehicles shall be allowed in the park.

(7) Street Lights

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

(8) Telephone and Power Lines

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

(9) Recreation Areas and Facilities

- (a) Adequate and suitable recreation areas to serve the anticipated population shall be provided and shall consist of at least 10,000 square feet for each 25 manufactured home lots. All manufactured home parks having five or more lots shall have a minimum size recreational area of 10,000 square feet. Manufactured home parks having more than 25 manufactured home lots shall provide 400 square feet of recreation space per lot in excess of 25.
- (b) No recreational facilities shall be placed in an area utilized for septic tank filter fields.

(10) Mobile Home Parks with Prior Approval

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

- (a) A copy of the mobile home park plan bearing proof of approval by the responsible governmental agency shall be filed in the Planning Department no later than 90 days after the approval of this revision.
- (b) All replacement units shall obtain an approved zoning compliance permit and inspection by the Town Inspections Department prior to occupancy.

- (c) All replacement units shall meet the requirements of (F) of this section.
- (d) No replacement unit may increase any nonconforming standard of the existing unit, and in no case may any replacement unit be located nearer than ten feet to a public street right-of-way or periphery property line.
- (e) Any expansion of a mobile home park shall be in full accordance with the current standards of this chapter.
- (f) If a mobile home park which does not conform to current standards has been discontinued, or if 80% of the number of spaces are vacated for a period of 180 days, the mobile home park shall not be re-established, and all future use of the land therein shall comply fully with the provisions of this chapter.

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

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

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

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

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

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

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

(2) **Garage Parking Options**

(a) **Rear-Loaded Garage**

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

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

(b) **Front-Loaded Garage**

1. Garage doors may constitute no more than 50% of the width of the individual townhouse unit.
2. The driveway must be aligned with the garage and shall not exceed the width of the garage entrance/door.
3. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk. The garage doors must be set back at least ~~twenty (20) feet~~ twenty-five feet (25') from the sidewalk.
4. Garage doors must be recessed at least one foot behind the front wall plane, or a second story element over the garage doors must be provided that extends at least one foot beyond the front wall plane.

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

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

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

- (3) The maximum number of units allowed in a single building is eight.
- (4) The first floor shall be located from ground level to a minimum of two feet and a maximum of three feet above grade.

(J) **SECURITY OR CARETAKER QUARTERS**

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

(K) **SINGLE FAMILY HOUSE**

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

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

(L) **UPPER-STORY RESIDENTIAL**

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

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

(M) **ZERO LOT LINE**

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

- (1) A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house. This reduction shall not be allowed on the street yard or to the side yard adjacent to lots that are not part of the zero lot line project.
- (2) An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.
- (3) If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.

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

§ 155.302 PUBLIC AND CIVIC USE STANDARDS

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

(A) **ASSEMBLY**

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

(B) **CEMETERY**

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

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

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

- (1) Following the initial approval of places of worship through the conditional use permit process (see § 155.710), expansions of up to 20% of the area originally approved through the conditional use permit process may be approved administratively.
- (2) Administrative approvals of expansions of places of worship shall not waive any conditions of approval of the conditional use permit.
- (3) Accessory uses standards for a place of worship are set forth in § 155.308(E).

(D) **COLLEGE OR UNIVERSITY**

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

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

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

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

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

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

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

(F) **GOVERNMENT SERVICE**

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

(G) **HOSPITAL**

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

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

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

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

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

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

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

- (1) Following the initial approval of a school through the special use permit process (see § 155.711), expansions of up to 20% of the area originally approved through the special use permit process may be approved administratively.
- (2) Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.

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

§ 155.303 RECREATIONAL USE STANDARDS

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

(A) INDOOR ENTERTAINMENT

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

(B) OUTDOOR ENTERTAINMENT

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

(C) FITNESS/RECREATION CENTER

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

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

~~(F)~~(D) GOLF COURSE

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

~~(F)~~(E) GUN RANGE

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

~~(G)~~ PARK, ACTIVE

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

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

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

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

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

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

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

§ 155.305 COMMERCIAL USE STANDARDS

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

(A) ADULT ORIENTED BUSINESS

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

- (1) No such use shall be located within 1,000 feet of a church, primary, elementary or secondary school, residence or residentially zoned property, any establishment serving on-premises beverages requiring an ABC license, or any other adult-oriented business.
- (2) There shall be no more than one such use on the same property or in the same building or structure.
- (3) Except for permanent signage as permitted in § 155.403, there shall be no advertisement, promotional materials, displays, or temporary signs visible to the public from public rights-of-way.

(B) BED & BREAKFAST

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

- (1) An owner shall reside on site.
- (2) There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety.
- (3) Meals shall be served on the premises only for guests and employees. Rooms may not be equipped with cooking facilities.
- (4) Parking shall not be allowed in any street yard.

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

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

(D) **CONTRACTOR OFFICE**

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

- (1) All activity shall be conducted entirely within a fully-enclosed building. The temporary loading and off-loading of vehicles shall be permitted outside.
- (2) The overnight storage of fleet vehicles may be allowed subject to Planning Board approval (see § ~~155.405~~[155.311](#)).

(E) **CONTRACTOR STORAGE YARD**

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

- (1) Equipment principally used in construction activity shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.
- (2) Outdoor storage may be allowed subject to Planning Board approval (see § ~~155.405~~[155.311](#)).
- (3) Combustible materials and chemicals shall be stored in compliance with all local, state, and federal regulations.

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

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

(1) **General Standards**

- (a) Vehicle repair or service shall not be permitted.
- (b) The primary building, including any attached canopy, shall conform to all setback requirements.

- (c) Gasoline pumps, tanks and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.
- (d) No sign of any type or any gasoline pump or tank shall be located within 20 feet of a residential use.
- (e) A Class C buffer (see § 155.402) shall be established along any side of the property where the gas station abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.
- (f) Freestanding vents shall not be permitted.
- (g) Outdoor storage and display may be allowed subject to Planning Board approval (see § ~~155.405~~ 155.311).

(1) **Fuel Canopies**

- (a) The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.
- (b) The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.

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

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

- (a) The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way.
- (b) The car wash structure shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.
- (c) The car wash structure shall be located behind the rear building line of the principal building.
- (d) All car wash structures shall meet all applicable yard requirements.

(G) **CREATIVE STUDIO**

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

(H) **FINANCIAL INSTITUTION**

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

[\(1\)](#) Freestanding automated teller machines require minor site plan approval.

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

(I) **FUNERAL HOME**

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

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

(J) **HOTEL/MOTEL**

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

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

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

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

(K) **KENNEL**

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

(L) **LAUNDRY SERVICES**

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

(M) **LOUNGE, COCKTAIL**

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

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

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

(N) **MICROBREWERY**

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

(O) **NEWSPAPER PUBLISHER**

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

(P) **OFFICE, GENERAL**

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

(Q) **OFFICE, MEDICAL**

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

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

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

(1) **Application**

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

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

(2) **Site Plan Requirement**

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

(3) **Insurance and Indemnification**

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

(4) **Issuance of Permit**

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

- (a) The sidewalk cafe must be associated with an operating restaurant or business such that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant and does not exceed 50% of the interior seating for the associated restaurant or business.
- (b) The sidewalk cafe must be operated under the same name as the restaurant and may not be opened or operated at any time when the restaurant or business is not open for business.
- (c) The operation of the sidewalk cafe must be clearly incidental to the associated restaurant business.
- (d) The placement of tables, chairs and other furnishings, as shown in the ~~drawing submitted with the~~ site plan, must be done in such a manner not to extend more than five feet from the property line, provided that at least four feet of unobstructed space (as measured from the street-side edge of ~~the curb or~~ sidewalk) remains ~~on the sidewalk or pedestrian way~~ for the passage of pedestrians. Trees, poles, signs, sandwich board signs, planters, benches, hydrants, trash receptacles, and the like are all considered obstructions.
- (e) The restaurant seeking to operate the sidewalk cafe must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk cafe. The placement of tables, chairs, and other furnishings may not extend ~~beyond the sidewalk or pedestrian way~~ frontage of the associated restaurant in front of other businesses or across other public rights-of-way.

- (f) The tables, chairs, and other furnishings used in the sidewalk cafe shall be of a type that is easily removed from the public right-of-way. Tables, chairs, and other furnishings used in the operation of the sidewalk cafe must be removed within 24 hours' notice from the Town. If such items are not removed upon 24 hours' notice, the Town shall have the right to remove and dispose of these items and may assess the property owner for the cost of such removal and disposal. The Town shall also have the right to remove such items immediately in an emergency situation. The Town shall not be responsible for damage to the public sidewalk cafe barricades and furnishings under any circumstances.
- (g) Except as elsewhere permitted, the operation or furnishing of the sidewalk cafe shall not involve any permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or to the exterior of the associated restaurant. The owner of the sidewalk cafe shall be responsible for repairing any incidental damage to public sidewalks resulting from the operation of the sidewalk cafe.
- (h) The sidewalk cafe shall only be open when the restaurant is open. No person shall consume alcoholic beverages in a sidewalk cafe after such hours.
- (i) **Alcoholic Beverages.** Alcoholic beverages may be served and consumed at sidewalk cafes providing the following requirements are met:
 - 1. The sidewalk cafe shall be part of a standard restaurant or business and shall otherwise be authorized, permitted or licensed under the state law and Town codes to serve and sell alcoholic beverages for on-premises consumption.
 - 2. The portion of the sidewalk cafe where alcohol is or may be served shall be enclosed by clearly visible barricades and shall have not more than two points of ingress or egress.
 - 3. The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to G.S. § 18B-1001 for the purposes of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.
 - 4. Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages in open and unsealed containers from the premises.
 - 5. The ~~restaurant-business~~ operator shall not have violated any law, regulation or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the five years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.
- (j) **Denial.** A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk cafe shall receive a written statement, outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the Town Council within 30 working

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

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

1. Deliberately misrepresented or provided false information in the permit application;
2. Violated any provision of this code;
3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances;
4. Operate the sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the sidewalk cafe area clean and free of refuse; and/or
5. Failed to maintain any health, business or other permit or license required by law for the operation of a restaurant business. Before the revocation of a permit, the Town Manager shall notify the permit holder of his intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the Town Manager shall notify permit holder in writing of the decision and the reasons therefor. A decision of the Town Manager to revoke permit may be appealed to the Town Council in accordance with the provision of this section.

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

1. Be ~~issued annually~~renewed automatically on an annual basis unless notice is otherwise given to the applicant or business; and
- ~~2. Be in addition to the annual privilege license; and~~
- ~~3.2.~~ Not be transferable or assignable.

(5) **Definitions**

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

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

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

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

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

(S) **PARKING LOT**

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

(T) **PAWN SHOP**

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

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

(S) **RADIO OR TELEVISION STUDIO**

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

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

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

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

~~(V)~~ **RESTAURANT, GENERAL**

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

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

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

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

~~(24) Outdoor storage and display may allowed subject to Planning Board approval (see § 155.405).~~

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

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

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

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

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

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

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

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

~~(Z)~~(V) SELF STORAGE FACILITY

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

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

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

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

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

- (a) Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage facility may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with state regulations.
- (b) Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
- (c) Operation of a transfer-and-storage business.

- (d) Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.
- (e) Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
- (f) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
- (g) Habitation of storage units by humans or animals.

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

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

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

(1)(2) Outdoor ~~storage display and sales~~ may allowed subject to Planning Board approval (see § 155.405155.311).

~~(BB)~~ **SERVICE, NEIGHBORHOOD**

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

~~(30) Outdoor display and sales and Outdoor~~outdoor~~ storage may allowed subject to Planning Board approval (see § 155.405).~~

~~(EE)(X)~~ **TATTOO PARLOR**

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

- (1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- (2) Piercing of the body of a person (other than the ear) for the purpose of inserting jewelry or other decoration.

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

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

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

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

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

- (1) No vehicle sales shall be permitted.
- (2) A Class C buffer (see § 155.402) shall be established along any side of the property adjacent to a residential use.
- (3) If the facility has more than one service bay, the additional service bay doors shall not be oriented toward any residential use, or the service bays shall be screened from view from adjacent property using landscaping.
- (4) All repair or service operations, excluding washing, shall be conducted entirely within a fully-enclosed building. The term fully-enclosed building shall not be construed to limit open bay doors during hours of operation.
- (5) Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.
- (6) The outdoor overnight storage of vehicles may be allowed subject to Planning Board approval (see § ~~155.405~~155.311).
- (7) There shall be no dismantling of vehicles for salvage.
- (8) The storage of impounded vehicles shall not be permitted.

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

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

- (1) A Class C buffer (see § 155.402) shall be established along any side of the property adjacent to a residential use.
- (2) Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.
- (3) The outdoor overnight storage of vehicles under repair may be allowed subject to Planning Board approval (see § ~~155.405~~155.311).
- (4) Vehicle sales displayed for rental or sale visible from the public right-of-way shall provide a parking buffer as set forth in § 155.402(E)(2)(b).

~~(H)~~(BB) VETERINARY CLINIC

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

- (1) Outdoor runs may be permitted subject to Board of Adjustment approval (see § 155.710).
- (2) All animal boarding shall occur indoors. All pens, kennels and runs shall be located within an enclosed structure.

~~(H)~~(CC) VIDEO SWEEPSTAKES OPERATION

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

- (1) Unaccompanied persons under the age of eighteen (18) are prohibited from entering the premises.
- (2) The hours of operation shall be limited to Sunday through Thursday 9am to 1am, and Friday and Saturday 9am to 2am.
- (3) A maximum of one hundred (100) machines are allowed at each establishment.

- (4) Two (2) or fewer machines are classified as an accessory use and shall not be bound by the standards of this section.
- (5) All uses meeting the definition of Internet Sweepstakes Facilities that were established prior to December 3, 2012 shall cease operations and close or be brought into compliance with the provisions of this ordinance by midnight, December 31, 2013.

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

§ 155.306 INDUSTRIAL USE STANDARDS

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

(A) **BUILDING SUPPLIES, WHOLESALE**

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

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

(B) **CREMATORIUM**

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

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

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

(D) **LABORATORY, RESEARCH**

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

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

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

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

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

~~(2)~~(1) All manufacturing activity shall be conducted entirely within a fully-enclosed building.

~~(3)~~(2) Outdoor storage and display may allowed subject to Planning Board approval (see § ~~155.405~~155.311).

~~(4)~~(3) Uses shall not emit smoke, odor, ~~or~~ objectionable waste materials or excessive noise.

~~(5)~~(4) No vibration shall be produced that is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.

~~(6)~~(5) No direct glare from high temperature processes such as combustion or welding visible from the street shall be permitted.

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

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

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

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

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

(H)(G) RESEARCH AND DEVELOPMENT

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

(H)(H) WAREHOUSE AND FREIGHT MOVEMENT

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

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

§ 155.307 UTILITIES USE STANDARDS

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

(A) **RECYCLING CENTER**

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

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

(B) **RENEWABLE ENERGY FACILITY**

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

(C) **TELECOMMUNICATION FACILITY**

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

(D) **UTILITY, MAJOR**

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

(E) **UTILITY, MINOR**

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

(F) **WASTE SERVICE**

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

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

§ 155.308 ACCESSORY STRUCTURES AND USES.

(A) GENERAL

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

- (1) Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal uses. An accessory use shall only be allowed when a principal use exists.
- (2) Accessory structures and uses shall be located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership.
- (3) Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
- (4) Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.
- (5) An accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served.
- (6) An accessory use shall be located within the same district as the principal use.
- (7) Tractor trailers are prohibited as storage buildings or structures except as permitted on an active construction site.

(B) ACCESSORY STRUCTURES

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

(1) **Zoning Permit Required**

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

(2) **Setbacks**

- (a) No accessory structure shall be located closer than ten feet to any other building or manufactured home.
- (a) No accessory structure shall extend in front of the front line of the principal structure, except in the B-1 zoning district~~District~~, where the Board of Adjustment may approve a

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

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

(3) **Height**

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

(4) **Number**

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

- (b) In R-6 and R-8 zoning districts, only one accessory structure may be a shed.

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

(5) **Size**

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

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

(1) **Accessory Dwelling Units**

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

- (a) The living area of the accessory dwelling shall not exceed the living area of the principal structure. In no case shall the total floor area of the accessory dwelling unit exceed 600 square feet.
- (b) The accessory dwelling shall not have a separate electrical meter.
- (c) The owner of the property shall occupy either the primary structure or the accessory dwelling.

- (d) The principal dwelling and accessory dwelling unit together shall not exceed the maximum building coverage and impervious surface requirements for the district.
- (e) All principal structure setbacks and yard requirements shall be met.
- (f) One additional parking space on the same premises shall be required for the accessory dwelling unit.
- (g) A subdivision with accessory dwelling units shall not exceed the maximum district density requirements, counting all principal dwelling units and any accessory dwelling units.
- (h) An accessory dwelling shall either be located within the principal structure; or meet the following standards:
 - 1. The accessory dwelling shall be located on the same lot as the principal structure.
 - 2. The accessory dwelling shall be separated by at least ten feet from the principal structure.
 - 3. The accessory dwelling shall be located in the rear or side yard of the principal structure. The rear and side setback shall be equal to those of all accessory structures.
 - 4. Total building coverage and impervious surface area shall not exceed that permitted in the district.
 - 5. The height of a principal structure shall not be exceeded by any accessory dwelling.
 - 6. The accessory dwelling unit shall be architecturally consistent with the principal structure.

(2) **Home Occupations**

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

The following uses are not permitted as home occupations:

- 1. Vehicle and/or body and fender repair.
- 2. Outdoor repair [or outdoor storage](#).
- 3. Commercial nursery or truck farming.
- 4. Food handling, processing or packing, other than services that utilize standard home kitchen equipment.

5. Medical or dental lab.
6. Restaurant.
7. Sale or repair of firearms.
8. Bulk storage of flammable liquids.
9. Funeral homes and mortuaries.
10. Animal hospitals and kennels.

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

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

1. The use of the dwelling unit for Class A Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation.
3. No business, storage or warehousing of material, supplies or equipment shall be permitted outside of the primary dwelling unit.
4. No equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
5. No display of products shall be visible from the street.
6. A Class A Home Occupation shall be subject to all applicable licenses and business taxes.
7. No persons other than members of the family residing on the premises shall be engaged in the home occupation.
8. Storage space and the operation of the business inside the dwelling unit shall not exceed 25% of the first floor area of the residence.
9. Customers and employees coming to the residence to conduct business shall not be permitted.

10. No signage shall be permitted.

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

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

1. It is carried on by a person residing on the premises and employs no more than two employees not living on the premises.
2. No more than 20% of the total actual floor area of the dwelling shall be in the conduct of the home occupation.
3. No more than two vehicles are used in the conduct of the home occupation, and such vehicles are parked off the street.
4. No merchandise or commodity is sold on the premises, except what is incidental to the home occupation.
5. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.
6. No expansion shall be permitted outside the principal structure that houses the home occupation, except that which is necessary to house vehicles used in the conduct of home occupation.
7. It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.
8. The use will not create undue traffic congestion or create a traffic hazard.
9. Advertising signs shall be limited to one unlighted wall sign no larger than three square feet in area, attached to the structure housing the home occupation, or one yard sign of the same size not to exceed three feet in height.

(3) **Swimming Pools**

When allowed, in-ground and ~~above~~-ground swimming pools that have a water depth over 24 inches and or have a surface area of at least 100 square feet shall be subject to the following requirements (see Chapter 154, Swimming Pools, of the Town Code of Ordinances for additional standards).

(a) **Private Pools**

Private swimming pools (~~including any associated as well as the~~ decking, pool house, pool chemical storage shed, or ~~and~~ equipment associated with the pool) on single-family detached, zero lot lines, alley-loaded, and two-family lots shall not be located in the street yard and shall not be closer than five feet to ~~the~~ any property line.

(b) **Outdoor Community Pools, Private Club Pools, or Pools in Multi-Family Complexes**

1. Outdoor pools (including any associated decking, pool house, pool chemical storage shed, or equipment associated with the pool) shall be located at least 50 feet from any property line adjacent to a residential district or use, and at least 25 feet from any property line adjacent to any other district or use.
2. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement ~~may be~~ is waived if a permit has been issued for a special event.

(4) **Vehicle Repair**

Up to two vehicles may be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence.

(5) **Vehicle Sales**

Vehicle sales shall be prohibited within a residential district or on property devoted to residential use, except that the sale of a private vehicle registered to the occupant of the residence shall be allowed. No more than one such vehicle shall be displayed at a time.

(D) **ACCESSORY USES IN NONRESIDENTIAL DISTRICTS**

(1) **Drive-Thru**

Drive-thru facilities shall be subject to the following requirements:

- (a) A drive-thru shall only be permitted in conjunction with a permitted nonresidential use.
- (b) Drive-thru windows and lanes shall be screened in accordance with § 155.402(G).

(2) **Food Truck**

A food truck is a mobile food service establishment that prepares and serves food and/or beverages for sale to the general public on a recurring basis from a truck, vehicle-mounted, or vehicle-towed piece of equipment designed to be readily moved.

(a) ***Permits Required***

1. Prior to the issuance of a Zoning Compliance Permit, food truck vendors must provide documentation of approval from the Health Department of the County in which the food truck's associated restaurant or commissary is located.
2. The food truck vendor must apply to the Town of Clayton Planning Department for a Zoning Compliance Permit. The Planning Department will verify that the proposed location meets the requirements of this Section and other applicable provisions of the Unified Development Code.
3. The food truck vendor must obtain an annual Zoning Compliance Permit and Privilege License from the Town.
4. The Zoning Compliance Permit, Privilege License and County Health Permit must be displayed during hours of operation.
5. The Zoning Compliance Permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this Section.
6. The Town Manager reserves the right to temporarily suspend food truck permits during times of special events in the downtown area.

(b) ***Exemptions***

1. This Section shall not apply to food truck with applicable valid Health Department permits vending at any market, festival, or event authorized by the Town.
2. Food trucks with applicable valid Health Department permits may temporarily locate within an active construction site to serve construction workers.

(c) ***Public Safety***

1. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
2. Grease and wastewater must be contained and disposed of in an approved grease receptacle located at the associated restaurant or commissary.
3. If the food truck is operating after dark, the food truck vendor shall provide appropriate lighting.
4. A food truck vendor shall not operate the food truck as a drive-in window.
5. The Planning Director may revoke the Zoning Compliance Permit if it is determined that the food truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

(d) ***General Location Requirements***

1. Food trucks must be located on private property with written permission from property owner.
2. Food trucks shall be positioned at least 400 feet from the customer entrance of an existing restaurant during hours of operation, unless the vendor provides documentation that the restaurant owner supports a closer proximity.
3. Food trucks shall not block parking spaces, drive aisles, access to loading/service areas, or emergency access and fire lanes. Food truck vending must also be positioned at least 15 feet away from fire hydrants, any fire department connection, driveway entrances, tree trunks, and vegetation.
4. No more than two food trucks are permitted as an accessory use, unless associated with an event exempted under § 155.308(D)(2)(b).

(e) ***Hours of Operation***

Food trucks must cease operations between the hours of 12 a.m. and 7 a.m., and are not permitted to remain on site overnight.

(f) ***Signage***

No signage shall be allowed other than signs permanently attached to the motor vehicle. An easel sign no more than 12 square feet per sign face in display area may be placed within the customer waiting area.

(3) ***Swimming Pools***

- (a) Outdoor pools shall meet the standards of Chapter 154, Swimming Pools, of the Town Code of Ordinances.
- (b) Outdoor pools including decking shall be located at least 50 feet from any property line adjacent to a residential district or use, and at least 25 feet from any property line adjacent to any other district or use.
- (c) When the pool is adjacent to residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement may be waived if a permit has been issued for a special event.

(E) **ACCESSORY USES FOR PLACES OF WORSHIP**

Accessory uses are permitted for a place of worship in accordance with the following standards.

- (1) The following facilities may be considered accessory to a place of worship. Additional buffering may be required through the review and approval of a site plan to address the intensity of the proposed place of worship and the proposed accessory uses.

- (a) Offices for the place of worship;
 - (b) Rooms for religious instruction or counseling;
 - (c) Meeting rooms for intermittent community meetings or instruction;
 - (d) Fellowship hall;
 - (e) Kitchen facilities;
 - (f) Senior center, neighborhood arts center or other community center;
 - (g) Temporary child care during religious services or events;
 - (h) Outdoor play area;
 - (i) Columbarium;
 - (j) "Meals on Wheels" or other similar programs using the kitchen in the place of worship but delivering food elsewhere; and
 - (k) Residence for clergy employed by the place of worship.
- (2) The following accessory uses are subject to approval of a major site plan by the Planning Board (see § 155.707).
- (a) Gymnasium or similar indoor recreational facility;
 - (b) Cemetery;
 - (c) Overnight accommodation for visiting clergy and non-paying guests of clergy employed by the place of worship;
 - (d) Child care center;
 - (e) School;
 - (f) Soup kitchen or other social service facility; and
 - (g) Athletic field or similar facility.

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

§ 155.311 OUTDOOR DINING, DISPLAY AND STORAGE

(A) APPLICABILITY

- (1) Any dining area, merchandise, material or equipment stored outside of a fully-enclosed building shall be subject to the requirements of this Section.
- (2) Outdoor sales and display areas, including vehicle sales, vehicle repair or car rental as part of a properly permitted use (including boats and manufactured housing) shall not be considered outdoor storage as defined in § 155.311(D) and shall be subject to the buffer requirements set forth in § 155.402 of this Chapter.

(B) OUTDOOR DINING

- (1) Outdoor dining shall be defined as the placement of tables and chairs for dining outside of a permanent structure.

- (2) **General Requirements**

Outdoor dining shall only be permitted following review of a minor site plan, or as a component of a major site plan in accordance with § 155.707, illustrating the extent of the outdoor dining area, the maximum seating capacity, and subject to the standards below. The impact of outdoor dining areas on adjacent churches, hospitals, public schools, and residential uses shall be mitigated to minimize potential impacts related to glare, light, loitering, and noise.

- (a) Patron tables and other outdoor dining area components shall be clearly defined and located on the same site as the other facilities of the restaurant or on the adjacent public right-of-way. Separation between the seating and vehicular or pedestrian traffic by a physical barrier may be required, with the design to be approved by the Planning Director.
 1. Separation may be achieved through the use of materials which include, but are not limited to landscape planters, walls, railings or a combination thereof. Only barriers composed of landscape planters or masonry walls may be solid.
- (b) The additional parking necessary to accommodate seating created in the outdoor dining area shall comply with the parking requirements set forth in § 155.402 of this Chapter.
- (c) Outdoor dining areas and associated structural elements, such as awnings, covers, umbrellas, or other physical elements shall be compatible with the overall design of the main structure and must maintain a height clearance of eight feet and meet ADA accessibility requirements. Dining equipment (including, but not limited to tables, chairs, space heaters, barriers) may remain in place.

- (d) The Town may revoke the outdoor dining area if it is determined that its operation is causing litter problems either on or off the property where the dining is located or that such use is otherwise creating a danger to the public health or safety.

(3) Outdoor Dining Within Public Rights-of-Way

In addition to the requirements set forth in § 155.311(B)(2) above, if any portion of the outdoor dining area is to be located within a public right-of-way (sidewalks only), the dining area must also receive approval from the Town Manager or his designee, and agree to following stipulations:

- (b) Outdoor dining within right-of-way owned and operated by the State of North Carolina, must also meet the requirements of G.S. 136-27.4 listed below.
 - 1. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.
 - 2. Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.
 - 3. Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.
 - 4. The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.
 - 5. The restaurant operator shall provide evidence of adequate liability insurance specified by the Town under G.S. 160A-485 as the limit of the Town's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name NCDOT and the Town as additional insured on any policies covering the business and the sidewalk activities.
 - 6. The restaurant operator shall provide an agreement to indemnify and hold harmless NCDOT and the Town from any claim resulting from the operation of sidewalk dining activities.
 - 7. The restaurant operator shall provide a copy of all permits and licenses issued by the State, County or Town, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for

the permit if no permit has been issued. This requirement includes any permits or certificates issued by the Town for exterior alterations or improvements to the restaurant.

8. The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the Town, its agents or employees, or by any other governmental entity or public utility.
 9. Any other requirements deemed necessary by the NCDOT, either for a particular Town or a particular component of the State highway system.
- (b) The Town reserves the right to terminate the use of outdoor dining within the public right-of-way at any time. Upon notice, all furnishings must be removed from the sidewalk within 24 hours of notice from the Town. If furnishings are not removed within the time specified, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situations. The Town is not responsible for damage to the furnishings under any circumstances.
- (c) The owner of the business utilizing a dining area within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from outdoor dining furnishings.

(C) **OUTDOOR DISPLAY AND SALES**

- (1) Outdoor display and sales shall be generally defined as the display and sales of goods, wares or merchandise outside of a permanent structure on property owned or leased by the person, firm or corporation. Outdoor display and sales must be secondary and incidental to the principal use or structure on the property, unless authorized pursuant to § 155.309, Temporary Use.
 - (a) Outdoor display and sale areas greater than 50 square feet shall only be permitted following Planning Director review of a minor site plan in accordance with § 155.707, illustrating the extent of the permitted area for outdoor display and sales subject to the standards below. Outdoor display and sale areas 50 square feet or less do not require site plan approval, but are subject to the standards below.
 - (b) The location of outdoor merchandise must be on the same property ~~or within the right-of-way adjacent to~~as the principal use, and not within the right-of-way, except that in the B-1 zoning district it may be displayed in the right-of-way, provided that clearance requirements are maintained for pedestrian passage.
 - (c) Merchandise shall be displayed to allow pedestrians use of the adjacent sidewalk or parking areas, and shall meet ADA accessibility requirements.

2. Any merchant desiring to display and sell merchandise along a public sidewalk or right-of-way must also receive approval from the Town Manager or his designee, and agree to following stipulations:
 - A. Merchandise must be removed from the sidewalk within 24 hours of notice from the Town. If such items are not removed following notice, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situation. The Town is not responsible for damage to the merchandise under any circumstances.
 - C. The owner of the business displaying or selling merchandise within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from the display of merchandise.
 - D. Merchandise must be removed from the sidewalk when the business is closed.

(D) **OUTDOOR STORAGE**

(1) **Limited Outdoor Storage**

- (a) Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles (not associated with outdoor sales and display including vehicle sales, vehicle repair or car rental), merchandise or material in boxes, crates, on pallets or other kinds of containers, shopping carts, or other similar merchandise, material or equipment.
- (b) Limited outdoor storage shall only be permitted following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
 1. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100% opaque visual barrier or screen.
 2. All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.
 3. Limited outdoor storage shall not be permitted in a street yard or otherwise forward of the front building line.

(2) **General Outdoor Storage**

- (a) General outdoor storage shall be defined as salvage yards, vehicle junk yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.

- (b) General outdoor storage shall only be permitted in the I-1 and I-2 Districts following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
1. General outdoor storage shall be screened by 100% opaque, eight foot high visual barrier or screen. ~~When except where~~ located abutting or across the street from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view.
 2. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
 3. No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.
 4. General outdoor storage may be located in the side or rear yard.

(Ord. 2013-10-02, passed 10-7-13)

ARTICLE 8

§ 155.802 DEFINED TERMS

Abutting

A property that directly touches another piece of property.

Accessory Structure

A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. A subordinate dwelling unit, garage, carport or storage shed are all examples of accessory structures.

Acreage, Gross

Land area with streets, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission lines not included in its measurement.

Acreage, Net

Land area excluding streets, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission lines not included in its measurement.

Adjacent

Property abutting directly on the boundary of, touching, or sharing a common point.

Alley

A public [or private](#) vehicular way providing service access along rear or side property lines of lots which are also served by one of the other listed street types.

Alteration

Any change, addition, or modification in construction or occupancy of an existing structure.

Antenna

A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, internet, microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the Town's siting, building and permitting authority.

Applicant

Any person, firm, or corporation requesting approval of any land-use, development, or improvement application, or similar entitlement regulated by the municipal code.

Approval Authority

The Town Council, Planning Board, Board of Adjustment or other board or official designated by ordinance or this chapter as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

Town of Clayton Unified Development Code
Article 3 – Updated through 04-04-2016

Best Management Practices (BMP)

A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer

Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light, or other nuisance.

Buffer, Stream

An area of natural or planted vegetation surrounding and running parallel to a stream or waterway through which stormwater runoff flows in a diffuse manner so that the runoff does not form a channel, and which provides for infiltration of the runoff and filtering of pollutants.

Building

Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property.

Building Coverage

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than three feet.

Building Separation

The required separation between any two buildings.

Caliper

The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.

Clearance

The shortest distance between two objects that must be maintained clear and free from obstructions or another specific identified object(s).

Co-Location

The use of a wireless telecommunication support facilities by more than one wireless telecommunication provider for the provision of wireless services without increasing the height of the tower or structure.

Conditional Use

A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

Condominium

A building, group of buildings, or portion thereof, in which units are owned individually, and the structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis. For the purposes of development and use regulation, condominiums are treated as apartments.

Construction

On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earthmoving, blasting and landscaping.

Crosswalk

A public pedestrian right-of-way which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Cul-De-Sac (Commercial, Residential)

A short, street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

Dedication

The transfer of ownership without payment or other interest in real property from a private entity to a public agency.

Density

The number of dwelling units permitted per acre of land.

Development

The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, mining excavation, landfill, land disturbance; and any use or extension of the use of land.

Driveway

A private roadway located on a parcel or lot used for vehicle access.

Dwelling Unit

One or more habitable rooms which are occupied, or which are intended or designed to be occupied as a residence by one family, with facilities for living, sleeping, cooking, and dining.

Easement

A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Extraterritorial Jurisdiction (ETJ)

An area outside the Town of Clayton's town limit delineated on the Official Zoning District Map. Pursuant to the North Carolina General Statutes, the Town enforces the following regulations within the ETJ: zoning ordinance; subdivision regulations and the North Carolina State Building Code.

Fence

An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Floor Area, Gross

The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment, and enclosed porches. Gross Floor Area also includes all outside storage areas.

Flood Fringe Area

That area of the floodplain lying outside the floodway but still lying within the area of special flood hazard, that is, within the 100-year floodplain.

Floodplain

Any land area susceptible to being inundated by water from any source.

Floodway

The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without a significant increase in the base flood elevation.

Frontage, Building

The straight-line length of any building or store which fronts upon a public street, a customer parking area, or pedestrian mall and which has one or more entrances to the main part of the building or store. If specified, this may also apply to the equivalent distance on another lot line, such as side.

Frontage, Lot

The distance for which the front boundary line of the lot and the street line are coincident. If specified, this may also apply to the equivalent distance on another lot line, such as side.

Frontage, Street

See "Lot Frontage". Not to be confused with "Frontage Road", which is a type of physical street occurring near a thoroughfare.

Greenway

A linear, multi-use (pedestrian, bicycle) trail, generally with a finished surface of asphalt or concrete, providing passive and active recreational opportunities. Greenways are typically built to the Town's specification ("Typical Bikeway / Greenway Pavement Section", Detail # 401.03), with a minimum width of 10', with 2' of clear, graded natural surface on each side. Occasionally, greenways will be built to a lesser width and/or with alternative materials, such as gravel, stone dust, lime rock, packed clay, rubber, pervious pavement, or mulch.

Ground Cover

Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

Hazardous Material

Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Home Occupation

An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

Household

A domestic establishment including a member or members of a family or others living under the same roof.

Impervious Surface

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

Infrastructure

Streets, water lines, sewers lines and other public facilities necessary to the functioning of a community.

Junk

Any scrap, waste, worn out, discarded material or debris collected or stored for destruction, disposal or some other use.

Land Disturbing Activity

Any use of land in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin, and is deposited elsewhere.

Landscape Plan

A plan associated with a subdivision, land development, or parking facility plan indicating the placement of landscape materials, including specifications, species, quantities, and method of installation.

Landscaping

The area within the boundaries of a given a lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Livestock

Grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, riding and draft horses, hogs, sheep, goats, miniature horses, llamas, and alpacas.

Loading, Off-Street

An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, materials and merchandise.

Local Street Network

System of local streets that include commercial streets, collector streets, residential collectors, cul-de-sacs, and alleys.

Lot

A portion of a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development or both.

Lot Area

The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.

Lot, Corner

A lot having at least two adjacent sides that abut for their full length upon streets. Both such lot lines shall be considered front lot lines.

Lot, Double Frontage

A continuous or through lot of the same depth as the width of a block, and which is accessible from both of the streets upon which it fronts.

Lot, Flag

A lot that has access to a public right-of-way by means of a narrow strip of land.

Lot of Record

A lot which is part of a subdivision recorded in the Office of the Register of Deeds of Johnston County or Wake County, as appropriate, or a lot described by metes and bounds, the description of which has been so recorded.

Lot Width

Parcel or lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the rear edge of the street yard along a straight line parallel to the front of the property line or along the chord of the front property line.

Multi-Family Residential

A building or portion thereof containing 3 or more dwelling units, including condominiums, apartments, and townhomes with shared parking, with varying arrangements of entrances and party walls.

Net Acreage, Net Gross

Land area with streets, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission lines not included in its measurement.

Nonconformity

A condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building,

sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district.

Nonconforming Lot of Record

A recorded lot described by a plat or a deed that does not meet the minimum lot size or other development requirements.

Outdoor Storage The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours.

Outparcel

An area located within a non-residential development that may share common parking and circulation areas with other buildings or parcels, but is usually situated as its own parcel and is separated from anchor buildings by parking and circulation areas.

Owner

Any person having charge of any real property according to the records held by the Register of Deeds.

Parcel

A continuous plot of recorded land in the possession of or owned by any individual or group of individuals.

Parking Lot

An off-street area used for the storage of motor vehicles on a temporary, daily, or overnight basis.

Parking Space

An off-street area designed to accommodate the parking of one vehicle.

Pervious Surface Coverage

Ground treatments which will allow the infiltration of water, air and nutrients to root systems of adjacent plant material which lie directly under the ground treatment.

Planting Area

The area within the boundaries of a given a lot consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Plat

A map or plan of a parcel of land which is to be or which has been subdivided.

Resource Conservation Area

An area set aside for the conservation of natural, archeological or historic resources.

Right-of-Way

An area or strip of land, either public or private, on which an irrevocable right-of- passage has been recorded for the use of vehicles or pedestrians or both.

Road

See “Street”.

Frontage Road

A street, parallel and adjacent to a major or minor thoroughfare, which provides access to abutting properties, protection from through traffic, and control of access to the major or minor thoroughfare. Not to be confused with “Street Frontage”, which is a measurement of distance.

Screening

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Setback

A line delineating the minimum allowable distance between the property line or right-of-way line and a building on a lot, within which no building, significant development, or other structure shall be placed except as otherwise provided. Wherever property lines and right-of-way lines both occur, the most restrictive setback distance on the lot shall prevail.

Sewer System, Public

An off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant

Sign

Exclusive of architectural features, any words, lettering, figures, numerals, emblems, devices, trademarks, , or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention or to convey a message.

Single Family Residential

A single detached dwelling unit located on a single lot with private yards on all four sides. See also “Single Family Detached House”, in §155.301(D).

Site

A continuous plot of land to be developed as a single project. A site may contain multiple parcel or lots.

Site Area

Site area shall be the total land area of the proposed development. A site may include multiple parcels or lots.

Site Area, Net

Net site area shall mean the total gross area of the parcel, minus any resource conservation areas.

Site Plan

A plan, to scale, showing uses and structure proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserve open space, buildings, landscape features-both natural and manmade.

Special Use

A use that meets the intent and purpose of the zoning district but which requires the review and approval by Town Council to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated are mitigated.

Special Use Permit A permit issued for a special use following review and approval by Town Council after consideration and mitigation of potential impacts or incompatibility with adjacent uses.

State

The State of North Carolina.

Stream

A body of concentrated flowing water in a natural low area or natural channel on the land surface.

Stream Buffer

~~A natural or vegetated area adjacent to a stream through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for the infiltration of runoff and filtering of pollutants.~~ See [Buffer, Stream](#).

Stream, Intermittent

A watercourse that collects surface runoff and is shown as a dashed blue line on the most recent United States Geologic Survey (USGS) 7½-minute quadrangle topographic maps, is shown as an intermittent stream on the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as an intermittent stream on the Natural Resource Conservation Service (NRCS) maps.

Stream, Perennial

A watercourse that collects surface runoff and is shown as a solid blue line on the most recent USGS 7½-minute quadrangle topographic maps, is shown as a perennial stream on maps in the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as a perennial stream on the Natural Resource Conservation Service (NRCS) maps.

Street, Collector

A street whose principal function is to carry traffic between residential collectors, residential streets, cul-de-sacs and major and minor thoroughfares, but that may also provide direct access to abutting properties. It is designed to carry more than 3,500 but less than 6,000 trips per day. Typically, a collector is able to serve, directly or indirectly, between 350 and 600 dwelling units.

Street, Commercial

A multi-lane, street connecting to major or minor thoroughfares designed to accommodate large volumes (in excess of 6,000 trips per day) of traffic at moderate speeds while also providing, as a major part of its function, direct access to nonresidential or mixed use high trip generating land uses.

Street, Private

Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public.

Street, Public

A dedicated and accepted public right-of-way for vehicular traffic and access to abutting property.

Street, Residential

A street whose principal function is to provide access to adjacent properties.

Street, Residential Collector

A street which serves as a connector street between residential streets, cul-de-sacs and major and minor thoroughfares. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

Thoroughfare, Major

Major streets, excluding freeways but not excluding limited access facilities that provide for the expeditious movement of large volumes of traffic within and through the urban area. A street serving the principal network for high volumes of traffic or high speed traffic as shown on the town's Transportation Plan. This street type consists of at least two travel lanes in each direction. A major thoroughfare shall be designated where the anticipated average daily volume exceeds 10,000 vehicles.

Thoroughfare, Minor

Streets that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Such streets may be used to supplement the major thoroughfare system by facilitating minor through movements and may also serve abutting property. A street designed primarily to collect and distribute traffic between the local street network and major thoroughfares as shown on the town's Transportation Plan. This street type generally consists of more than one travel lane in each direction. A minor thoroughfare shall be designated where the anticipated average daily volume ranges exceeds 6,000 vehicles.

Town

The Town of Clayton, North Carolina.

Transportation Plan

A map approved by the Town Council that indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation.

Unified Development Code

Chapter 155 of the Town Code of Ordinances, as adopted by Town Council.

Variance

Permission which is granted by the Board of Adjustment to deviate from zoning requirements when strict enforcement of certain provisions of the Unified Development Code would cause undue hardship because of circumstances unique to the individual property for which the variance is granted. Only the Board of Adjustment can do this after specific findings of fact.

Waiver

Permission which is granted by Town Council or a part of a Planned Development Approval to deviate from specific provisions of the Unified Development Code if mitigating circumstances are justified.

Water Supply, Public

A publically owned system of pipes, structures and facilities through which a water supply is obtained, treated, sold and distributed for human consumption or household use.

Watershed

All of the land area draining to a particular point on a water course or to a water body.

Yard, Front, (also known as Street Yard)

An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the front line of the lot. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

Yard, Rear

An open space on the same lot with a main building, unoccupied except as hereinafter permitted, extending the full width of lot and situated between the rear line of lot and the rear line of the building.

Yard, Side (Street), (also known as Street Side Yard)

The area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.

Yard, Side (Interior), (also known as Interior Yard)

A side yard located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Zoning District

A part, zone, or geographic area within the Town or its Extraterritorial Jurisdiction (ETJ) where certain zoning and development regulations apply.

Zoning Vested Right

A right pursuant to G.S. § 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2009-08-01, passed 8-3-09; Am. Ord. 2016-04-04, adopted 04-04-2016)