



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, March 25, 2024 @ 6:00 PM
Town Council Chambers

<https://www.youtube.com/TownofClaytonNC>

THE PLANNING BOARD MEETING WILL BE HELD IN PERSON.

ANY MEMBER OF THE PUBLIC IS INVITED TO ATTEND THE MEETING.

THE PUBLIC MAY VIEW THE LIVE MEETING ON THE TOWN'S YOUTUBE CHANNEL:

<https://www.youtube.com/TownofClaytonNC>

1. CALL TO ORDER

- a. Conduct a Role Call to Establish Attendance and a Quorum
Presenter: Staff

2. ELECTION FOR CHAIR AND VICE CHAIR

- a. Elect New Chair and Vice Chair for the Planning Board
Presenter: Conrad Olmedo, Planning Director

3. ADJUSTMENT OF THE AGENDA

4. APPROVAL OF MINUTES

- a. February 26, 2024 Planning Board Minutes
Presenter: N/A
[February 26, 2024 Planning Board Meeting Summary](#)

POTENTIAL ACTION: **Approve, Amend, Deny.**

5. PUBLIC MEETINGS

- a. 2023-115-CZM Carolina Overlook North Conditional Zoning District W/ Master Plan
Presenter: Steven Mott, Planner II
[5 Neighborhood Meeting Information Updated 3-22-24](#)
[7 TIA - Steeplechase - Phasing Study Updated 3-22-24](#)
[8 2023-115-CZM Signed Zoning Conditions Updated 3-22-24](#)
[8.1 2023-155-CZM Conditions for Signature REDLINED CONDITIONS 3-22-24](#)
[Public Comment 1 - Carolina Overlook North](#)
[Public Comment 2 - Carolina Overlook North](#)
- b. Downtown Master Plan Presentation
Presenter: Dan Lambert, McAdams (Consultant)
[Downtown Master Plan - Staff Report](#)
- c. Unified Development Ordinance Text Amendment (UDOTA 1-24)
Presenter: Chad Meadows, CodeWright Planners (Consultant)
Conrad Olmedo, Planning Director

[Clayton UDOTA 1-24 Staff Report](#)
[Clayton UDOTA 1-24 3-12-24 old](#)
[Clayton UDOTA 1-24 Tracking Form 3-12-24 - old](#)
[Clayton UDOTA 1-24 Consistency Statements Sheet - Planning Board](#)
[Clayton UDOTA1-24 3-20-24 Updated](#)
[Clayton UDOTA1-24 Tracking Form 3-20-24 - Updated](#)

6. NEW BUSINESS

- a. 2023-115-CZM Carolina Overlook North Conditional Rezoning
Presenter: Steven Mott, Planner II
[2023-115-CZM Carolina Overlook North Conditional Rezoning - Planning - Pdf](#)

7. INFORMAL DISCUSSION AND PUBLIC COMMENT

8. ADJOURNMENT

February 26th Planning Board Meeting Summary:

Board Members Present

Daniel Gleason
Mike Surasky
Ronald Williams
James Moore (Chair)
Kevin Lee
Derrick Applewhite
James Lipscomb
Jodie Dupree

Staff Present

Conrad Olmedo, Planning
Director
Bruce Venable, Planner I

Board Members Absent

Jeffrey Spence (Excused)

Town Council Liaison:

Andria Archer

ACTIONS TAKEN BY THE BOARD

Nominate New Chair & Vice- Chair

Delayed Until March

January 22, 2024, Minutes:

Approved

Public Hearing 2023-201-RZ

Recommended Approval

Small Area Plan Gateway 42

Recommended Approval





Town of Clayton Planning Board Minutes
Monday, February 26, 2024, at 6:00 PM Town Council Chambers

1. Call to Order:

- a. At 6:00 PM on February 26, 2024, Chair Moore called the Town of Clayton Planning Board meeting to order.
- b. Pledge of Allegiance.

2. Adjustment to the Agenda

3. Roll Call:

Proceeding with the roll call: Chair Moore present, Board Member Gleason present, Board Member Surasky present, Board Member Bland present, Board Member Williams present, Board Member Lee present, Board Member Applewhite present, Board Member Lipscomb present, Board Member Dupee present, and We have a quorum. Thank you. Next on the agenda is the Town Clerk's update.

Board Member Spence is absent. (Excused)

4. Approval of the Minutes:

Chair Moore: The next item on the agenda is the approval of the January 22, 2024, minutes. Are there any corrections needed? If not, I will entertain a motion for approval.

Planning Director Conrad Olmedo: Chair we believe that Board Member Bland was counted as present in the minutes when she was absent (excused) from January's minutes. We will adjust the minutes to show that change.

Motion for approval: Board Member Dupree made the motion to approve the January 22, 2024, Planning Board Meeting Minutes. The motion was seconded by Board Member Williams. All in favor, say "aye." **Motion passes.**

5. Public Hearing:

- a. **2023-185 RZ Southern Wake Property Group rezoning**

Presenter Bruce Venable, Planner I, provides an overview of project number 2023-201 RZ Coulon Company, LLC rezoning for a 3-acre parcel at 3733 Powhatan



Town of Clayton Planning Board Minutes
Monday, February 26, 2024, at 6:00 PM Town Council Chambers

Road, Clayton, NC 27520. The applicant seeks to rezone from the Residential-Estate (R-E) to Heavy-Industrial (I-2). The existing use is a vacant single-family home, surrounded by I-1 zoning. The rezoning aligns with the future land use map's employment center designation. The comprehensive growth plan supports non-residential land use. Staff recommends approval with consistency with the future land use map.

Motion for approval: Board Member Applewhite makes a motion to recommend approval, citing consistency with the future land use map and the 2045 comprehensive growth plan. The motion is seconded by Board Member Dupree. All in favor, say "aye." **Motion passes.**

b. Gateway 42 Small Area Plan

Presenter Blake Reeves (consultant) presented the NC 42 Gateway plan that focuses on the following:

- Importance of the area due to its location as a front door to Clayton.
- Overview of the area's layout and interchanges.
- Smart growth strategy aligned with the 2045 comp plan goals.
- Community engagement activities and recurring themes discussed:
- Improve mobility corridors.
- Cultivate complete communities.
- Provide green space amenities.
- Foster small-town charm.
- The need for more local amenities and preserving small-town charm is emphasized.
- The plan aims to create a welcoming front door to Clayton, considering various factors.

The Planning Board discussed various aspects of the Gateway 42 Small Area Plan, including concerns about density, services, and the impact on the town's tax base. Some members emphasized the need for services and the promotion of growth within the town's corporate limits. Others highlighted challenges related to sewer availability and the limited potential for high-density development in certain areas. Despite differing perspectives, the board expressed appreciation for



Town of Clayton Planning Board Minutes
Monday, February 26, 2024, at 6:00 PM Town Council Chambers

the discussion and acknowledged the importance of making informed decisions for the Town's future. Ultimately, a motion was made to approve the plan, taking into consideration its alignment with the future land use map and the public interest.

Motion for approval: Board Member Dupree makes a motion to recommend approval, citing consistency with the future land use map and the 2045 comprehensive growth plan. The motion is seconded by Board Member Williams. All in favor, say "aye." **Motion passes.**

6. New Business

7. Planning Director Updates:

Planning Director Olmedo and Planner I Venable provided updates to the Board related to upcoming courses with the UNC School of Government, a demonstration of the Town's GIS webpage, new UDO and updates the Board on the date of the Chair and Vice Chair Elections that will be held on March 25th, 2024.

8. Adjournment.

Motion for adjournment made by Board Member Lipscomb and seconded by Board Member Lee. All in favor, say "aye." **Motion passes.**

Meeting adjourned.

RAYMOND ELMORE EARP JR FAMILY TRUST
EARP, NANCY CREWS TRUSTEE
1109 SUMTER CT
SALISBURY, NC 28144-2868

LEE BROTHERS RENTAL
400 W MAIN STREET
CLAYTON, NC 27520-0000

DEVITO, MICHELLE SUZANNE
DEVITO, ANTHONY SCOTT
2641 COVERED BRIDGE RD
CLAYTON, NC 27527-9637

HOUSE, MAVIS C
2873 COVERED BRIDGE RD
CLAYTON, NC 27527-0000

PULTE HOME COMPANY, LLC
1225 CRESCENT GREEN STE 250
CARY, NC 27518-8119

PULTE HOME COMPANY, LLC
1225 CRESCENT GREEN STE 250
CARY, NC 27518-8119

PULTE HOME COMPANY, LLC
1225 CRESCENT GREEN STE 250
CARY, NC 27518-8119

ASHCROFT PARTNERS, LLC
114 W MAIN ST STE 102
CLAYTON, NC 27520-2397

ASHCROFT PARTNERS, LLC
114 W MAIN ST STE 102
CLAYTON, NC 27520-2397

ASHCROFT PARTNERS, LLC
114 W MAIN ST STE 102
CLAYTON, NC 27520-2397

BENNETT, ROBERT ERVIN III
BENNETT, MADONNA LINTNER
104 MICHAEL WAY
CLAYTON, NC 27520-5507

HASKINS, WESLEY L
HASKINS, ERIN L
1009 BROOKHILL DRIVE
CLAYTON, NC 27520-0000

TYNDALL, CHARLES B JR
TYNDALL, JUNE MARIE
101 MICHAEL WAY
CLAYTON, NC 27520-0000

DAVID HOYT AND JEAN HOYT LIVING TRUST
HOYT, DAVID WILLIAM CO TRUSTEE
100 MICHAEL WAY
CLAYTON, NC 27520-5507

WADE, RICHARD SPURGEON
WADE, ANGELA PICKETT
118 MICHAEL WAY
CLAYTON, NC 27520-5507

MOORE, AMY J
CARAWAN, CLIFFORD C
101 KATIE DR
CLAYTON, NC 27520-0000

MURRAY, RICHARD H
MURRAY, JOELY A
115 KATIE DRIVE
CLAYTON, NC 27520-0000

REVOCABLE LIVING TRUST OF PETER AND
PATRICE HUBERT
114 MICHAEL WAY
CLAYTON, NC 27520-5507

ALFORD, KENNETH W
ALFORD, ANNETTE R
150 MICHAEL WAY
CLAYTON, NC 27520-5507

HUTCHINS, JOSHUA P
HUTCHINS, PATRICIA
111 KATIE DR
CLAYTON, NC 27520-0000

RAMOS, VICTOR JOINT TENANTS (WROS)
RAMOS, MELISSA B. JOINT TENANTS (WROS)
151 MICHAEL WAY
CLAYTON, NC 27520-5507

WHITMAN, BRIAN HAROLD
WHITMAN, GINA MUNDEN
105 KATIE DR
CLAYTON, NC 27520-5509

PULTE HOME COMPANY, LLC
1225 CRESCENT GREEN STE 250
CARY, NC 27518-8119

SMITH, MARTIN STEPHEN
ZEAK, JILL RENEE
2000 SMITH DR
CLAYTON, NC 27520-9029

DOLDE, DONALD ANTHONY
DOLDE, SANDRA RAE
2020 SMITH DR
CLAYTON, NC 27520-9029

POPE, BILLY R
POPE, BOBBIE
2008 SMITH DR
CLAYTON, NC 27520-9029

FISCHER, DANIELLE
FISCHER, PAUL
2008 WILLIAM LANE
CLAYTON, NC 27520-0000

ROBINSON, PAUL W
ROBINSON, VIRGINIE E
2304 SMITH DRIVE
CLAYTON, NC 27520-0000

HILL, MICHAEL WAYNE
2013 MISSY LANE
CLAYTON, NC 27520-0000

COATS, JEFFREY LAWRENCE
2008 DONNA CT
CLAYTON, NC 27520-0000

WILKS, LOGAN CHASE
2001 SMITH DR
CLAYTON, NC 27520-8253

FERRUFINO, GILBERTO
GARCIA, HEIMI
2212 SMITH DR
CLAYTON, NC 27520-9031

SCHULTZE, HENRY NEAL
SCHULTZE, JUDY
2005 DONNA COURT
CLAYTON, NC 27520-0000

COON, STEVEN M
COON, ERIN M
2009 DONNA COURT
CLAYTON, NC 27520-0000

WHITLEY, WILLARD H
2000 KEVIN CT
CLAYTON, NC 27520-9035

LAUFER, ANDREW N.
WOOD, HEATHER L.
2009 WILLIAM LN
CLAYTON, NC 27520-8257

PILKINGTON, DAVID D JR
1331 CITY ROAD
CLAYTON, NC 27520-5908

NOWAKOWSKI, GREGORY A
NOWAKOWSKI, WENDY D
2012 MISSY LANE
CLAYTON, NC 27520-9033

PULTE HOME COMPANY, LLC
1225 CRESCENT GREEN STE 250
CARY, NC 27518-8119

PULTE HOME COMPANY, LLC
1225 CRESCENT GREEN STE 250
CARY, NC 27518-8119

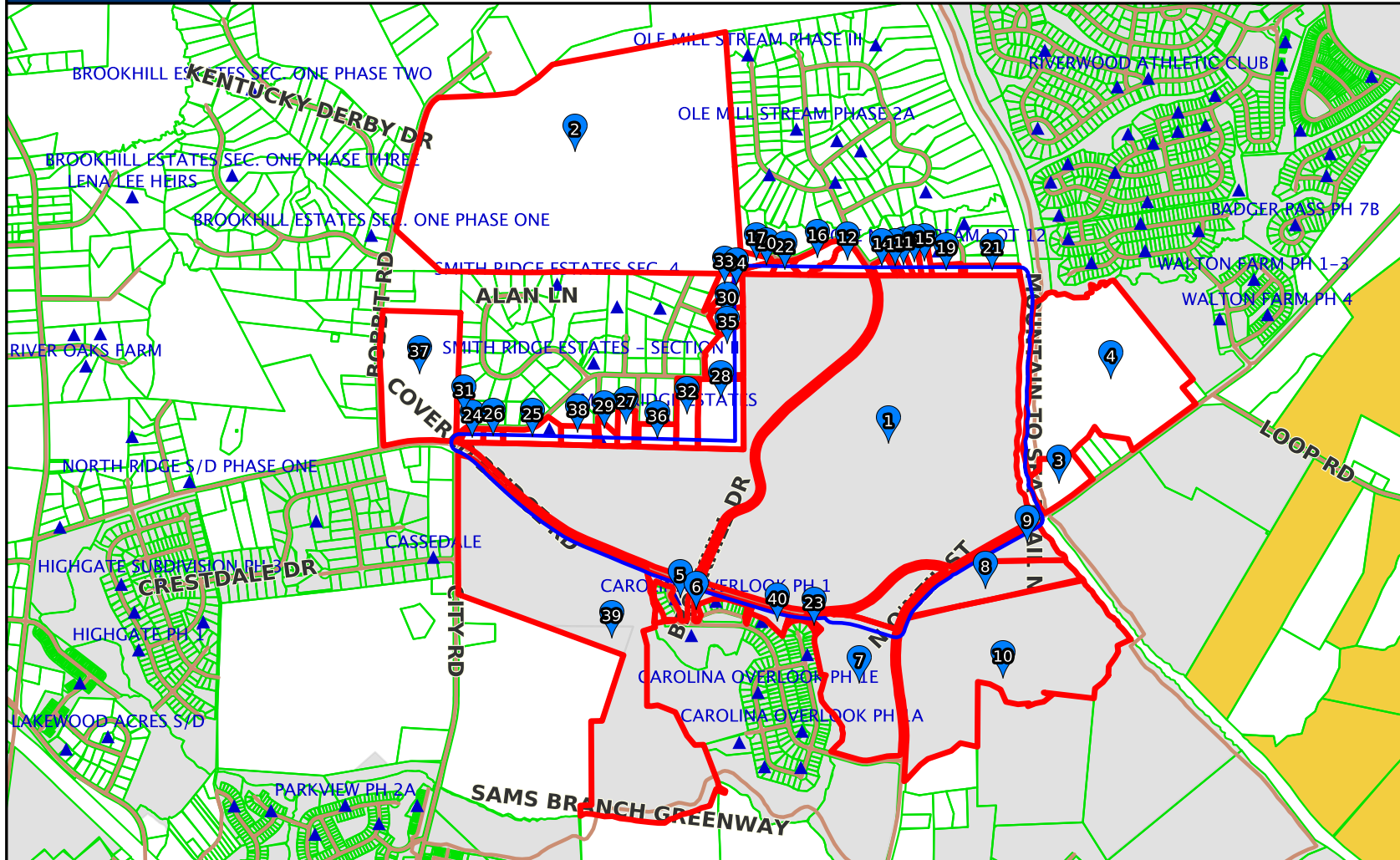
NOTE: Turn off 'Fit to Page' in print dialog before
printing.

Label Type: AV5160
40 label(s) printed



*** DISCLAIMER ***

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



Scale: 1:19696 - 1 in. = 1641.3 feet

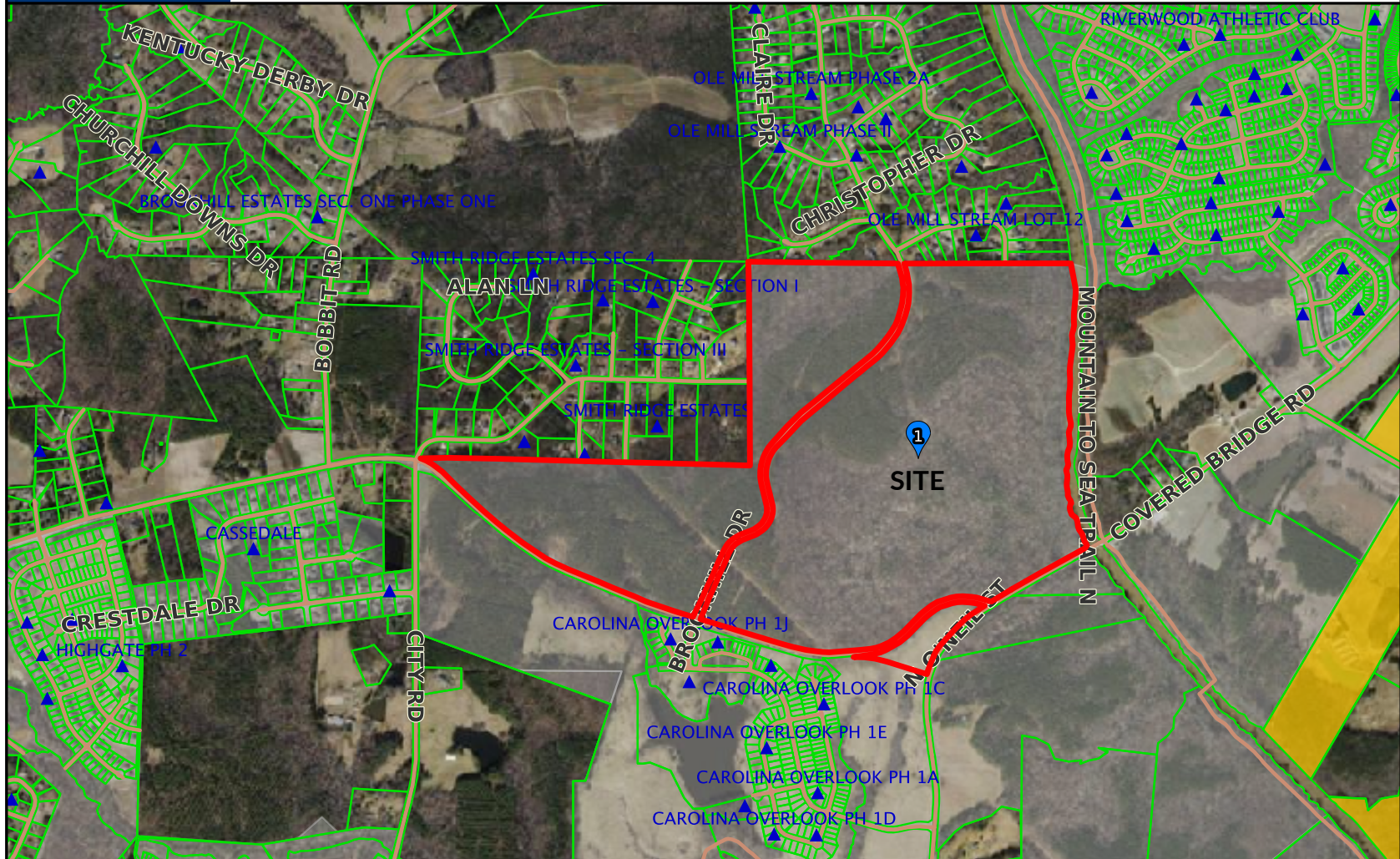
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
November 2, 2023



*** DISCLAIMER ***

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



Scale: 1:16937 - 1 in. = 1411.38 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
October 19, 2023



October 19, 2023

Dear Smith Ridge Estates Resident,

This letter serves as an invitation to a meeting regarding a rezoning request filed with the Town of Clayton for the property at 1162 Covered Bridge Road. The Town of Clayton requires a neighborhood meeting, which will likely be held at the beginning of December. The intent of this meeting is to present the rezoning to a small group of neighbors who are closest to the site.

Meeting Date: November 2, 2023

Meeting Time: 6:00 p.m.

Meeting Location: 19 Dover Downs Drive, Clayton, NC 27520

From Smith Drive, head east on Covered Bridge Road toward Oneil Street. Turn right onto Brookhill Drive, then left onto Steeplechase Blvd. Turn left onto Dover Downs Drive. The location will be on the left.

Type of Application: Conditional Zoning

Project/proposal property address: 1162 Covered Bridge Road

Description of project/proposal: Carolina Overlook North is a proposed active adult community with a maximum of 750 residential units located on the vacant 357-acre parcel at 1162 Covered Bridge Road.

The proposed zoning of the subject property is CZ-R from the R-8 and R-10 existing zoning which is consistent with the FLUM designation of LDR and MDR.

The Carolina Overlook North neighborhood would provide a variety of amenities and open space as outlined in the Conditional Zoning Master Plan Narrative.

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 919-469-3340. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

WithersRavenel

Brendie Vega

Entitlements Manager

Cc: Town of Clayton Planning Department

115 MacKenan Drive | Cary, NC 27511
t: 919.469.3340 | f: 919.467.6008 | www.withersravenel.com | License No. F-1479
Asheville | Cary | Charlotte | Greensboro | Pittsboro | Raleigh | Southern Pines | Wilmington

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Carolina Overlook - North

Application: _____

Location/Date: 11/02/23

	NAME	ADDRESS
1	Martin Smith	2000 Smith Dr. Clayton, NC 27520
2	Bobbie Pope	2008 Smith Dr. Clayton
3	Ed Loran	127 Michael Way Clayton
4	Joy Fritzel	161 Claire Drive Clayton
5	David W. Hoyt	100 Michael Way Clayton NC
6	Jeanie Hoyt	100 Michael Way Clayton NC
7	Don + Lendi Doldle	2020 Smith Dr Clayton NC 27520
8	Sally Carson	2208 Missy Lane Clayton, NC 27520
9	Robert Bennett	104 MICHAEL WAY CLAYTON, NC 27520
10	MIKE O'NEILL	176 CLAIRE DRIVE CLAYTON 27520
11	Greg + Wendy Nowakowski	2012 misty lane Clayton, NC
12	Jeremy Baumgardner	143 MICHAEL WAY, CLAYTON
13	Sheda Baumgardner	143 MICHAEL WAY, CLAYTON
14	Tanell Lauritzen	2004 Kevin Ct Clayton NC
15	Alysa Klags	2004 William Ln, Clayton NC
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Carolina Overlook - North

Application: _____

Location/Date: 11/02/23

	NAME	ADDRESS
1	Willard Whitey	2000 Kavinest Clayton N.C. 27520
2	Andrew Klages	2004 William Ln Clayton, NC 27020
3	Thomas Connell	2000 William Lane Clayton NC 27520
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

Carolian Overlook North - Neighborhood Meeting 1

November 2, 2023, 6 pm

Carolina Overlook Sales Center, 19 Dover Downs Drive, Clayton, NC

A preliminary neighborhood meeting was held on November 2, 2023, at 6pm in the Carolina Overlook sales center. Invitations were sent to those in Smith Ridge Estates closest to the project boundary. The intent of this preliminary meeting was to engage adjacent property owners early in the process to inform them of the proposal and gain an understanding of any concerns and questions, as well as to allow them to be in a smaller setting than the required neighborhood meeting. Approximately 20 neighbors were in attendance from the Smith Ridge Estates and Ole Mill Stream subdivisions.

Neighbors posed the following questions and concerns:

- Potential traffic along Brookhill and Old Covered Bridge Road.
- The alignment of Smith Dr, Covered Bridge Road, and City Rd is dangerous despite NCDOT making some improvements. They asked NCDOT for a traffic light at this intersection.
- Frustrations with proposed connections to private roads in Smith Ridge Estates. Privately maintained roads that would require improvements to connect to. If the roads had to be connected, preference is for them to be gated.
- Buffer widths adjacent to existing homes were discussed the applicant stated that this is an item that will be reviewed to see where buffers can be increased.
- Concerns with the quality of well water being impacted with construction.
- Tree preservation and natural heritage protection along the Neuse were of concern.
- Do not want Brookhill Drive to be a construction entrance.
- Some comments and suggestions were made about the required neighborhood meeting.
- Property values and quality of life may decrease with new homes.
- Wanted to know exactly where the townhomes are proposed, condition doesn't specify a distance from existing lots.



October 25, 2023

Dear Ole Mill Stream Resident,

This letter serves as an invitation to a meeting regarding a rezoning request filed with the Town of Clayton for the property at 1162 Covered Bridge Road. The Town of Clayton requires a neighborhood meeting, which will likely be held at the beginning of December. The intent of this meeting is to present the rezoning to a small group of neighbors who are closest to the site.

Meeting Date: November 9, 2023

Meeting Time: 6:00 p.m.

Meeting Location: 19 Dover Downs Drive, Clayton, NC 27520

From Michael Way, head south on Brookhill Drive toward Covered Bridge Road. Cross Covered Bridge Road, keeping straight on Brookhill Drive, then left onto Steeplechase Blvd. Turn left onto Dover Downs Drive. The location will be on the left.

Type of Application: Conditional Zoning

Project/proposal property address: 1162 Covered Bridge Road

Description of project/proposal: Carolina Overlook North is a proposed active adult community with a maximum of 750 residential units located on the vacant 357-acre parcel at 1162 Covered Bridge Road.

The proposed zoning of the subject property is CZ-R from the R-8 and R-10 existing zoning which is consistent with the FLUM designation of LDR and MDR.

The Carolina Overlook North neighborhood would provide a variety of amenities and open space as outlined in the Conditional Zoning Master Plan Narrative.

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 919-469-3340. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

WithersRavenel

Brendie Vega

Entitlements Manager

Cc: Town of Clayton Planning Department

115 MacKenan Drive | Cary, NC 27511
t: 919.469.3340 | f: 919.467.6008 | www.withersravenel.com | License No. F-1479
Asheville | Cary | Charlotte | Greensboro | Pittsboro | Raleigh | Southern Pines | Wilmington

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 2023-115-C2M (Carolina Overlook North)
 Application: " "
 Location/Date: Carolina Overlook sales center 11/9/2023

	NAME	ADDRESS
1	Kyle Panzer	112 Katie Drive
2	Marthann & Tom Witzig	104 Christopher Dr.
3	Roger Beckett	104 MICHAEL WAY
4	Jeanie Hoyt	100 Michael Way
5	Hailey Youngling	105 Michael Way
6	Benjamin Stiff	105 Michael Way
7	Brantley Tyndall	101 Michael Way
8	Jane Tyndall	101 Michael Way
9	Melissa Ramos	151 MICHAEL WAY
10	VICTOR RAMOS	151 MICHAEL WAY
11	Cliff & Amy	101 Katie Dr.
12	Gina & Brian Whitman	105 Katie Dr.
13	James & Jennifer Ellis	104 Katie Dr.
14	Quintina	111 KATIE DRIVE
15	Pat Hutchins	" "
16	Pete Johnson	116 Christopher Drive
17	Kim Carroll	1354 BROOKHILL DR.
18	Susan Hartos	124 Christopher Dr.
19	Wesley Haskins	1009 Brookhill Dr.
20		

Carolian Overlook North - Neighborhood Meeting 2

November 9, 2023, 6 pm

Carolina Overlook Sales Center, 19 Dover Downs Drive, Clayton, NC

A second preliminary neighborhood meeting was held on November 2, 2023, at 6pm in the Carolina Overlook sales center. Invitations were sent to those in Ole Mill Ridge closest to the project boundary. The intent of this preliminary meeting was to engage adjacent property owners early in the process to inform them of the proposal and gain an understanding of any concerns and questions, as well as to allow them to be in a smaller setting than the required neighborhood meeting. Approximately 22 neighbors were in attendance from the Smith Ridge Estates and Ole Mill Stream subdivisions.

Neighbors posed the following questions and concerns:

- Would Covered Bridge be realigned.
- Discussion on buffer sizes and location.
 - Applicant is reviewing where buffers can be increased.
- Questions on the HOA structure and if it would be combined with Carolina Overlook South (currently under construction).
- What is the selling price range of homes.
- How will stormwater be captured and treated, there are already issues.
- Is the density of Carolina Overlook North the same as the south?
- Concerned that there are 3 entrances into the neighborhood proposed and more traffic entering Covered Bridge Road. Can other entrances be used for construction traffic?
 - The applicant will look into alternate construction entrances; further it was explained that there are no driveways on Brookhill Dr, therefore trades vehicles and construction traffic should not be parked out on Brookhill.
- Residents on Michael Way are concerned about the connection. The homes with swimming pools may have construction debris in them. The roadway between the wetlands and the existing homes does not seem possible to fit in. Can the homes next to Michael Way be removed.
 - The applicant stated that if the neighborhood could get everyone in Ole Mill Stream to sign off on straightening out Brookhill Dr, the units next to Michael Way could be moved to a different area and no homes would be built. But all the property owners in Ole Mill Stream would need to sign off on it.
 - The applicant further agreed to look into providing a bigger buffer if the lots stay in this area.
- Phasing and timing of construction were discussed.
- Pricing of the units was discussed.



November 2, 2023

Dear Clayton Area Property Owner,

This letter serves as an invitation to a meeting regarding a rezoning request filed with the Town of Clayton for the property at 1162 Covered Bridge Road, which is adjacent to or in close proximity to your property.

Meeting Date: November 14, 2023

Meeting Time: 6:00 p.m.

Meeting Location: The Clayton Center - 111 E 2nd St, Clayton, NC 27520

Type of Application: Conditional Zoning

Project/proposal property address: 1162 Covered Bridge Road

Description of project/proposal: Carolina Overlook North is a proposed active adult community with a maximum of 750 residential units located on the vacant 357-acre parcel at 1162 Covered Bridge Road.

The proposed zoning of the subject property is CZ-R from the R-8 and R-10 existing zoning which is consistent with the FLUM designation of LDR and MDR.

The Carolina Overlook North neighborhood would provide a variety of amenities and open space as outlined in the Conditional Zoning Master Plan Narrative.

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 919-469-3340. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

WithersRavenel

Brendie Vega

Entitlements Manager

Cc: Town of Clayton Planning Department

115 MacKenan Drive | Cary, NC 27511
t: 919.469.3340 | f: 919.467.6008 | www.withersravenel.com | License No. F-1479
Asheville | Cary | Charlotte | Greensboro | Pittsboro | Raleigh | Southern Pines | Wilmington

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Carolina Overlook North

Application: Conditional Rezoning

Location/Date: The Clayton Center 11-14-23 6pm

	NAME	ADDRESS
1	William White	2000 Kern Ct Clayton
2	Martin Smith	2000 Smith Dr Clayton
3	Bobbie Pope	2008 Smith Dr Clayton
4	Robin Johnson	2008 Smith Dr Clayton
5	Paul Robinson	2304 Smith Dr Clayton NC
6	Ginnie Beth Robinson	2304 Smith Dr Clayton N
7	Tom & Marthann Witzig	104 Christopher Dr Clayton NC
8	Ned Schultze	2005 Donna Ct Clayton NC
9	Robert Bennett	104 MICHAEL WAY
10	Madonna Bennett	104 Michael Way
11	Andrew Klages	2004 William Ln, Clayton, NC
12	Cliff Morgan	146 Chase Pike
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Carolina Overlook North

Application: Conditional Rezoning

Location/Date: The Clayton Center 11/14/23 6pm

	NAME	ADDRESS
1	Don + Sandi Dolde	8020 SMITH DR CLAYTON 27520
2	Lisa Swarese	2204 E Cotton Gin Dr.
3	FRAN JAWORSKI	2014 E. Cotton Gin Dr
4	RENN SUZAR	2016 E COTTON GIN DR
5	Sharon Beaver	434 Christopher Dr Clayton
6	Sally Carson	2008 Missy Lane Clayton, NC
7	Jim Carson	2008 Missy Lane Clayton, NC
8	Joe Arrington	140 Michael Way Clayton, NC
9	Dawn Lawther	139 Michael Way Clayton NC 27520
10	GEORGE LAUTHER	139 MICHAEL WAY CLAYTON N.C. 27520
11	Chris	652 BCCR School NC 27520
12	Roberto Diaz	147 MICHAEL WAY, CLAYTON N.C. 27520
13	Danielle Fischer	2008 William Ln, Clayton 27520
14	Shad Baumgardner	143 Michael Way Clayton, NC 27520
15	Tom Connell	2000 William Ln Clayton NC 27520
16	Mike + Joy Hill	2013 MISSY LANE CLAYTON 27520
17	Benjamin Stitt + Hailey Langley	105 Michael Way Clayton NC
18	Pat + Josh Hutchins	111 Kestie Dr
19	Nesley + Erin Haskins	1009 Brookhill Dr. Clayton NC 27520
20	JAMES ELLIS	104 KATIE DR CLAYTON NC

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Carolina Overlook North
Application: Conditional Rezoning
Location/Date: The Clayton Center 11/14/2023 6pm

	NAME	ADDRESS
1	Janel) Lauritzen	2004 Kevin Ct Clayton
2	Gina Whitman	105 Katie Dr. Clayton
3	Patrice Hubert	114 Michael Way, Clayton
4	Shelley H. Diaz	147 Michael Way
5	Roberto Diaz	147 Michael Way
6	Brisa Diaz	147 Michael Way
7	DAVID W. Hoyt	100 Michael Way
8	Jeanie Hoyt	100 Michael Way
9	Melissa Ramos	151 Michael Way
10	Victor Ramos	151 Michael Way
11	Jane Tyndall	101 " "
12	Charles Tyndall	101 " "
13	William Herchenroder	123 Michael Way
14	Cynthia Herchenroder	" " "
15	GERALD DeFORIA	127 ALAN LN.
16	Alysa Klages	2004 William Ln, &
17		
18		
19		
20		

Carolian Overlook North - Neighborhood Meeting 3

November 14, 2023, 6 pm

The Clayton Center, 111 E Second Street, Clayton, NC

The neighborhood meeting in accordance with requirements by the Town of Clayton was held on November 14, 2023, at 6pm in The Clayton Center. Approximately 48 individuals were in attendance. The meeting began with a presentation from the applicant regarding the proposed project's components followed by an organized question and answer session for attendees.

Neighbors posed the following questions and concerns:

- The straightening of Brookhill Drive was brought up in order to move the homes away from the Michael Way connection and move those units to the area where the bend is located in Brookhill Drive.
 - The applicant again stated that it would need all property owner signatures. After hearing that many neighbors are interested in this option, the applicant agreed to have the document prepared by the attorney and provided to the neighborhood champions to obtain signatures.
- Open space calculations and the breakdowns between active/disturbed and passive/undisturbed open spaces.
 - The applicant showed where undisturbed areas will be, and said programming for the active open space is being reviewed.
- Concerns over environmental impacts were raised.
 - The applicant assured those in attendance that all necessary local, state, and federal permits are to be obtained.
- With concerns over construction traffic on Brookhill Dr. the applicant agreed to add a condition regarding the widening of Brookhill Drive prior to the 50th CO.
- The phasing and timing of the project was discussed.
- The neighbors asked for continued conversation and took business cards.
- Similar questions to those asked in the first and second neighborhood meeting came up again.
- Several neighbors expressed thankfulness for this project as opposed to other alternatives that have been proposed on this property. They believe this project is the best they could hope for.

RAMEY KEMP ASSOCIATES

TOGETHER WE ARE LIMITLESS



Steeplechase North
Traffic Impact Analysis
Clayton, North Carolina



**TRAFFIC IMPACT
ANALYSIS UPDATE**

FOR

STEEPLECHASE NORTH

LOCATED

IN

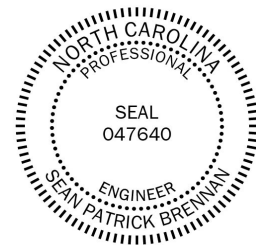
CLAYTON, NC

Prepared For:
PULTE HOME COMPANY
1225 Crescent Green Drive
Cary, North Carolina

Prepared By:
Infrastructure Consulting Services, Inc.
dba
Ramey Kemp Associates
5808 Faringdon Place
Raleigh, NC 27609
License #F-1489

NOVEMBER 2023

RKA Project No. 23113



Sean Brennan

11/22/23

Prepared By: GB

Reviewed By: SB

**TRAFFIC IMPACT ANALYSIS UPDATE
STEEPLECHASE NORTH
CLAYTON, NORTH CAROLINA**

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) Update was conducted for the proposed Steeplechase North development in accordance with the Clayton (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. The proposed development is expected to be a maximum of 750 senior adult single-family home development and estimated to be built out in 2028. Phase 1 of the development will include a total of up to 375 senior adult single-family homes and is expected to be completed in 2025. Site access is proposed via two (2) full movement driveways along Covered Bridge Road and eight (8) full movement driveways along Brookhill Drive.

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the NCDOT and the Town and consists of the following existing intersections:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O'Neil Street

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersection listed below, in May of 2023 during a typical weekday AM (7:00 AM - 9:00 AM) and PM (4:00 PM - 6:00 PM) peak periods:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive

- Covered Bridge Road & N. O'Neil Street

Traffic volumes were balanced between study intersections, where appropriate.

3. Site Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE Trip Generation Manual, 11.1th Edition. Table E-1 provides a summary of the trip generation potential for the site.

Table E-1: Site Trip Generation

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
2025 Phase 1 Senior Adult – Single Family Housing (251)	375 units	1,822	35	71	75	49
2028 Full Build-Out Senior Adult – Single Family Housing (251)	750 units	3,285	59	121	130	84

4. Future Traffic Conditions

Through coordination with the NCDOT and the Town, it was determined that an annual growth rate of 3% would be used to generate 2023 projected weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Carolina Overlook
- Ashcroft Phase 2
- Walton Farms
- Highgate and Creech Developments

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions

- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions – Phase 1
- 2028 No-Build Traffic Conditions
- 2028 Build Traffic Conditions – Full Build

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2023 existing, 2025 no-build, 2025 build, 2028 no-build, and 2028 build conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

Improvements by Steeplechase

Covered Bridge Road & N. O'Neil Street

- Construct a southbound right-turn lane with 275 feet of storage and appropriate taper.

Improvements by Highgate and Creech

Covered Bridge Road & Shotwell Road

- Install a traffic signal.
- Construct a northbound right-turn lane with 300 feet of storage and appropriate taper.
- Construct a southbound left-turn lane with 150 feet of storage and appropriate taper.
- Construct westbound right-turn lane with 200 feet of storage and appropriate taper.

Covered Bridge Road & N. O'Neil Street

- Install a traffic signal.

Improvements by Ashcroft Phase 2Covered Bridge Road & N. O'Neil Street

- Construct a northbound left-turn lane with 250 feet of storage and appropriate taper.
- Construct an eastbound right-turn lane with 100 feet of storage and appropriate taper.

Recommended Improvements by Developer – Phase 1Covered Bridge Road & Shotwell Road

- Signal timings modification.

Covered Bridge Road & Smith Drive / City Road

- Monitor for signalization for one year.

Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right turn lane.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Construct an eastbound left turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & Brookhill Driveway

- Construct a southbound left-turn lane with 100 feet of storage and appropriate taper.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Monitor for signalization for one year.

Covered Bridge Road & Site Access 2

- Construct the southbound approach with one ingress lane and one egress lane striped as a right-turn lane.
- Construct a westbound right turn lane with 50 feet of storage and appropriate taper.

Brookhill Drive & Site Access 3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 9

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

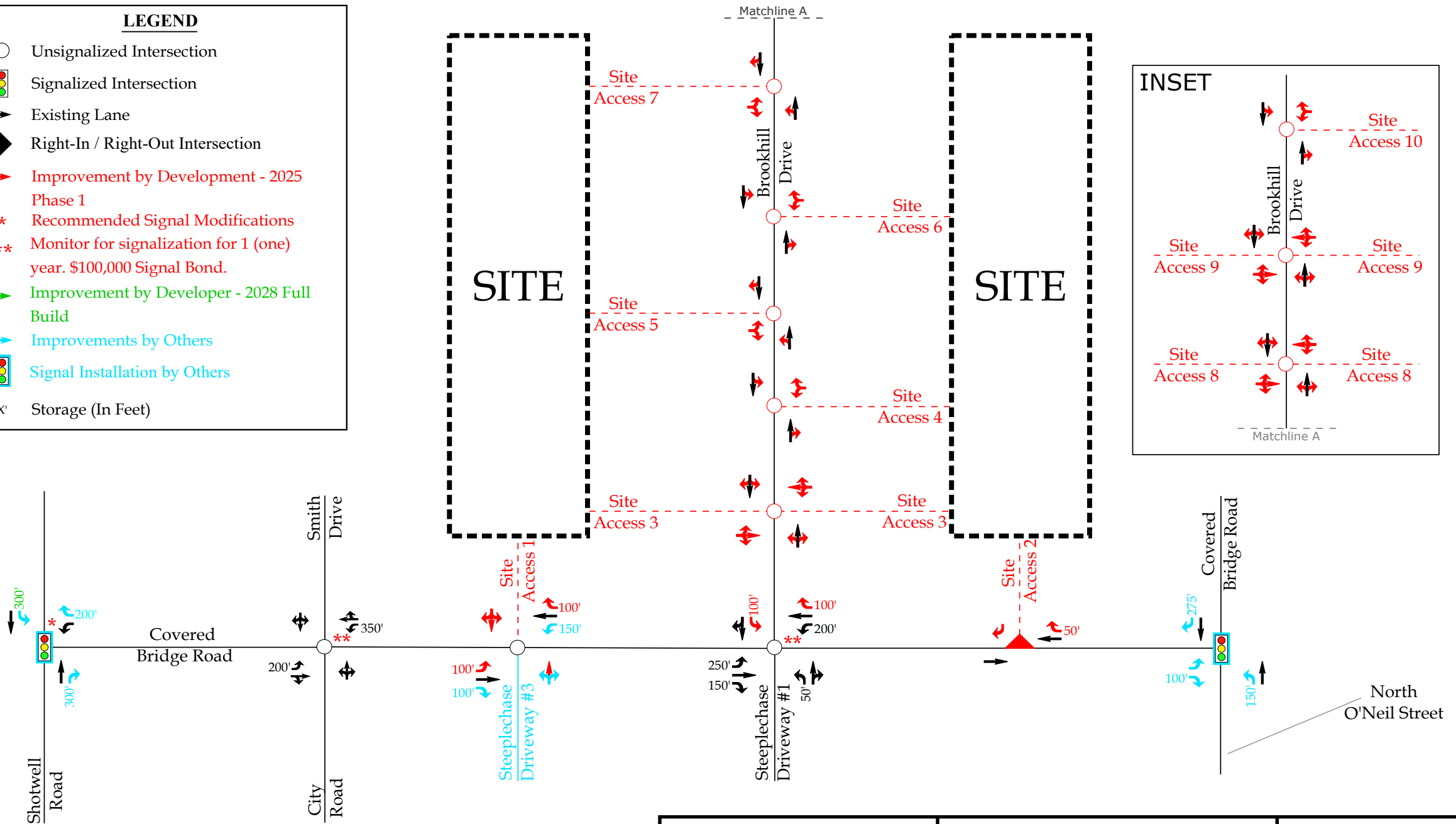
Recommended Improvements by Developer – Full Build

Covered Bridge Road & Shotwell Road

- Extend southbound right-turn lane to 300 feet of storage with appropriate taper.

LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- Existing Lane
- ◫ Right-In / Right-Out Intersection
- Improvement by Development - 2025 Phase 1
- * Recommended Signal Modifications
- ** Monitor for signalization for 1 (one) year. \$100,000 Signal Bond.
- Improvement by Developer - 2028 Full Build
- Improvements by Others
- ◫ Signal Installation by Others
- x' Storage (In Feet)



Steeplechase North
Clayton, NC

Recommended Lane
Configurations

Scale: Not to Scale | Figure E-1

TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1. Site Location and Study Area.....	1
1.2. Proposed Land Use and Site Access	2
1.3. Adjacent Land Uses.....	2
1.4. Existing Roadways	2
2. 2023 EXISTING PEAK HOUR CONDITIONS.....	7
2.1. 2023 Existing Peak Hour Traffic Volumes	7
2.2. Analysis of 2023 Existing Peak Hour Traffic Conditions.....	7
3. 2025/2028 NO-BUILD PEAK HOUR CONDITIONS.....	9
3.1. Ambient Traffic Growth	9
3.2. Adjacent Development Traffic.....	9
3.3. Future Roadway Improvements	11
3.4. 2025/2028 No-Build Peak Hour Traffic Volumes	11
3.5. Analysis of 2025/2028 No-Build Peak Hour Traffic Conditions	11
4. SITE TRIP GENERATION AND DISTRIBUTION.....	17
4.1. Trip Generation.....	17
4.2. Site Trip Distribution and Assignment	18
5. 2025/2028 BUILD TRAFFIC CONDITIONS	22
5.1. 2025/2028 Build Peak Hour Traffic Volumes	22
5.2. Analysis of 2025/2028 Build Peak Hour Traffic Conditions	22
6. TRAFFIC ANALYSIS PROCEDURE	25
6.1. Adjustments to Analysis Guidelines	25
7. CAPACITY ANALYSIS	26
7.1. Covered Bridge Road & Shotwell Road	26
7.2. Covered Bridge Road & Smith Drive/City Road.....	28
7.3. Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1.....	30
7.4. Covered Bridge Road & N. O'Neil Street	32
7.5. Covered Bridge Road & Site Access 1/Steeplechase Driveway 3	34

7.6. Covered Bridge Road and Site Access 2	36
7.7. Brookhill Drive & Site Access 3	37
7.8. Brookhill Drive & Site Access 4	38
7.9. Brookhill Drive & Site Access 5	39
7.10. Brookhill Drive & Site Access 6	40
7.11. Brookhill Drive & Site Access 7	41
7.12. Brookhill Drive & Site Access 8	42
7.13. Brookhill Drive & Site Access 9	43
7.14. Brookhill Drive & Site Access 10.....	44
8. CONCLUSIONS.....	45
9. RECOMMENDATIONS	48

LIST OF FIGURES

Figure 1 – Site Location Map.....	4
Figure 2 – Preliminary Site Plan.....	5
Figure 3 – Existing Lane Configurations.....	6
Figure 4 – 2023 Existing Peak Hour Traffic.....	8
Figure 5a – 2025 Projected Peak Hour Traffic.....	12
Figure 5b – 2028 Projected Peak Hour Traffic.....	13
Figure 6 – Adjacent Development Trips	14
Figure 7a – 2025 No-Build Peak Hour Traffic.....	15
Figure 7b – 2028 No-Build Peak Hour Traffic.....	16
Figure 8 – Site Trip Distribution.....	19
Figure 9a – Phase 1 Site Trip Assignment.....	20
Figure 9b – Full Build Site Trip Assignment	21
Figure 10a – 2025 Build Peak Hour Traffic	23
Figure 10b – 2028 Build Peak Hour Traffic	24
Figure 11 – Recommended Lane Configurations	52

LIST OF TABLES

Table 1: Existing Roadway Inventory	3
Table 2: Adjacent Development Information.....	10
Table 3: Trip Generation Summary	17
Table 4: Highway Capacity Manual – Levels-of-Service and Delay	25
Table 5: Analysis Summary of Covered Bridge Road & Shotwell Road	26
Table 6: Analysis Summary of Covered Bridge Road & Smith Drive/City Road	28
Table 7: Analysis Summary of Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1	30
Table 8: Analysis Summary of Covered Bridge Road & N. O’Neil Street	32
Table 9: Analysis Summary of Covered Bridge Road & Site Access 1/Steeplechase Driveway 3	34
Table 10: Analysis Summary of Covered Bridge Road & Site Access 2.....	36
Table 11: Analysis Summary of Brookhill Drive & Site Access 3	37
Table 12: Analysis Summary of Brookhill Drive & Site Access 4	38
Table 13: Analysis Summary of Brookhill Drive & Site Access 5	39
Table 14: Analysis Summary of Brookhill Drive & Site Access 6	40
Table 15: Analysis Summary of Brookhill Drive & Site Access 7	41
Table 16: Analysis Summary of Brookhill Drive & Site Access 8	42
Table 17: Analysis Summary of Brookhill Drive & Site Access 9	43
Table 18: Analysis Summary of Brookhill Drive & Site Access 10.....	44

TECHNICAL APPENDIX

Appendix A:	Scoping Documentation
Appendix B:	Traffic Counts
Appendix C:	Signal Plans
Appendix D:	Adjacent Development Information
Appendix E:	Capacity Calculations – Covered Bridge Road & Shotwell Road
Appendix F:	Capacity Calculations – Covered Bridge Road & Smith Drive/City Road
Appendix G:	Capacity Calculations – Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1
Appendix H:	Capacity Calculations – Covered Bridge Road & N. O’Neil Street
Appendix I:	Capacity Calculations – Covered Bridge Road & Site Access 1/Steeplechase Driveway 3
Appendix J:	Capacity Calculations – Covered Bridge Road & Site Access 2
Appendix K:	Capacity Calculations – Brookhill Drive & Site Access 3
Appendix L:	Capacity Calculations – Brookhill Drive & Site Access 4
Appendix M:	Capacity Calculations – Brookhill Drive & Site Access 5
Appendix N:	Capacity Calculations – Brookhill Drive & Site Access 6
Appendix O:	Capacity Calculations – Brookhill Drive & Site Access 7
Appendix P:	Capacity Calculations – Brookhill Drive & Site Access 8
Appendix Q:	Capacity Calculations – Brookhill Drive & Site Access 9
Appendix R:	Capacity Calculations – Brookhill Drive & Site Access 10
Appendix S:	Simtraffic Queueing Reports

**TRAFFIC IMPACT ANALYSIS UPDATE
STEEPLECHASE NORTH
CLAYTON, NORTH CAROLINA**

1. INTRODUCTION

The contents of this report present the findings of an updated Traffic Impact Analysis (TIA) conducted for the proposed Steeplechase North development to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. The original TIA report analyzed only the full buildout of the development and this TIA update includes a phase 1 build scenario. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2028, is assumed to consist of up to 750 senior adult single-family housing. Phase 1 of the development will include a total 375 senior adult single-family homes. This property was previously considered for development with approximately 1,200 residential units that would not be age-restricted. The current plan proposes fewer units that will be age-restricted.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions – Phase 1
- 2028 No-Build Traffic Conditions
- 2028 Build Traffic Conditions – Full Build

1.1. Site Location and Study Area

The development is proposed to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Clayton (Town) and consists of the following existing intersections:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O'Neil Street

Refer to Appendix A for the approved scoping documentation.

1.2. Proposed Land Use and Site Access

The site is expected to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road. The proposed development, anticipated to be completed in 2028, is assumed to consist of up to 750 senior adult single-family homes. Phase 1 of the development will include 375 senior adult single-family homes.

Site access is proposed via one (1) full movement driveway along Covered Bridge Road, one (1) right-in/right-out (RIRO) driveway along Covered Bridge Road, and eight (8) full movement driveways along Brookhill Drive. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), speed limits, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1, on the following page, provides a summary of this information, as well.

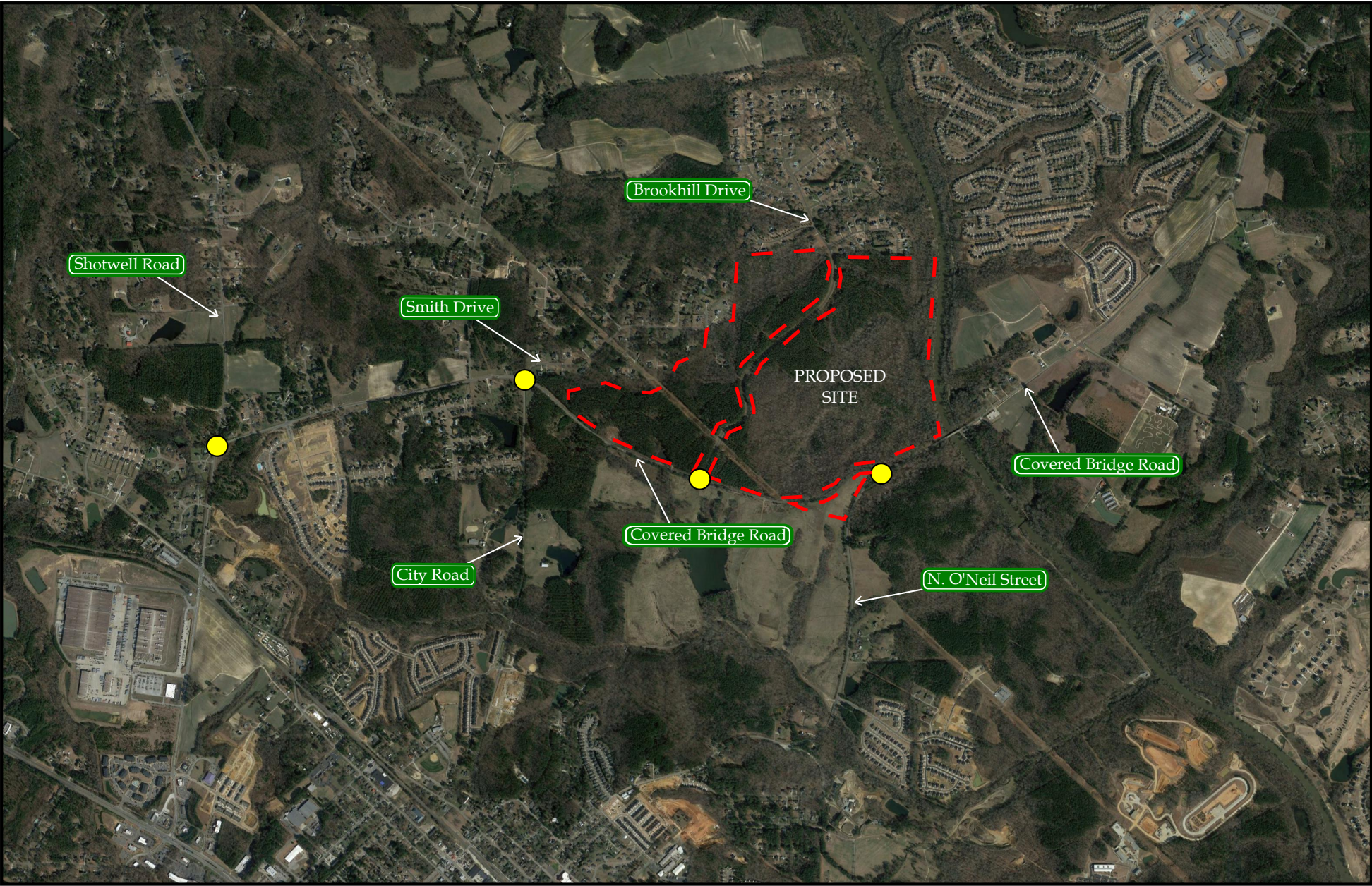
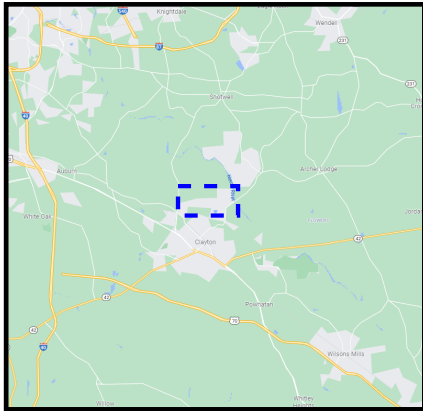
Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	2019 AADT (vpd)
Covered Bridge Road	SR 1700	2-lane undivided	45 mph	11,000
Shotwell Road	SR 1553	2-lane undivided	45 mph	15,000**
City Road/Smith Drive	SR 1709/N/A	2-lane undivided	45 mph/25 mph	1,300/220***
Brookhill Drive	N/A	2-lane undivided	35 mph	210***
N. O'Neil Street	SR 1708	2-lane undivided	55 mph	7,600*

*ADT from 2017

**ADT from 2018

***ADT based on the traffic counts from 2023 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.



LEGEND

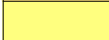
- Proposed Site Location
- Study Intersection
- Study Area

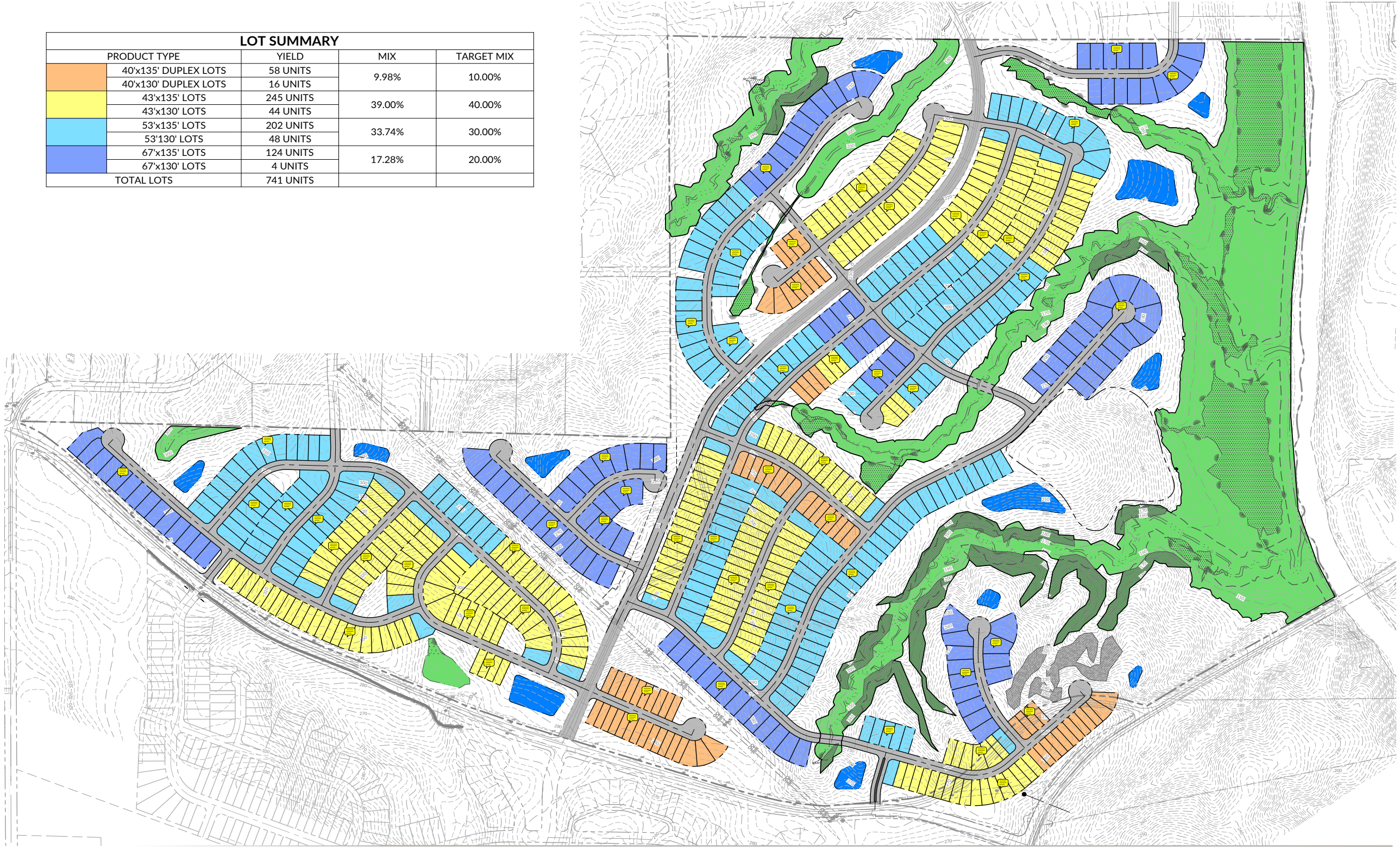


RKA
RAMEY KEMP ASSOCIATES

Steeplechase North
Clayton, NC

Site Location Map	
Scale: Not to Scale	Figure 1

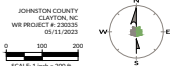
LOT SUMMARY			
PRODUCT TYPE	YIELD	MIX	TARGET MIX
	40'x135' DUPLEX LOTS	58 UNITS	9.98%
	40'x130' DUPLEX LOTS	16 UNITS	
	43'x135' LOTS	245 UNITS	39.00%
	43'x130' LOTS	44 UNITS	
	53'x135' LOTS	202 UNITS	33.74%
	53'x130' LOTS	48 UNITS	
	67'x135' LOTS	124 UNITS	17.28%
	67'x130' LOTS	4 UNITS	
TOTAL LOTS		741 UNITS	



WithersRavenel
115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

our people • your success

STEEPLECHASE NORTH
LAYOUT AND LOT COUNT

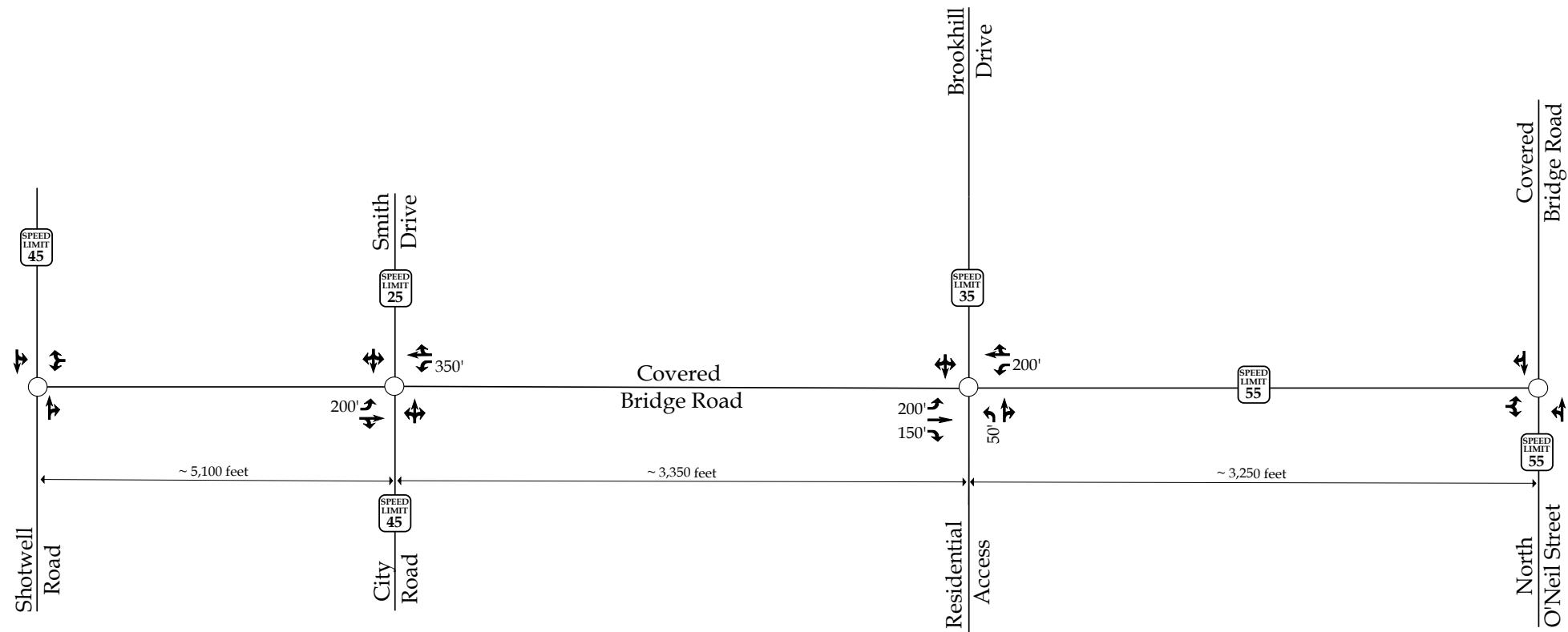


LEGEND

- Unsignalized Intersection
- ➔ Existing Lane
- X' Storage (In Feet)
- SPEED LIMIT

XX

 Posted Speed Limit



Steeplechase North
Clayton, NC

2023 Existing
Lane Configurations

Scale: Not to Scale

Figure 3

2. 2023 EXISTING PEAK HOUR CONDITIONS

2.1. 2023 Existing Peak Hour Traffic Volumes

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in May of 2023 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O’Neil Street

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for 2023 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of 2023 Existing Peak Hour Traffic Conditions

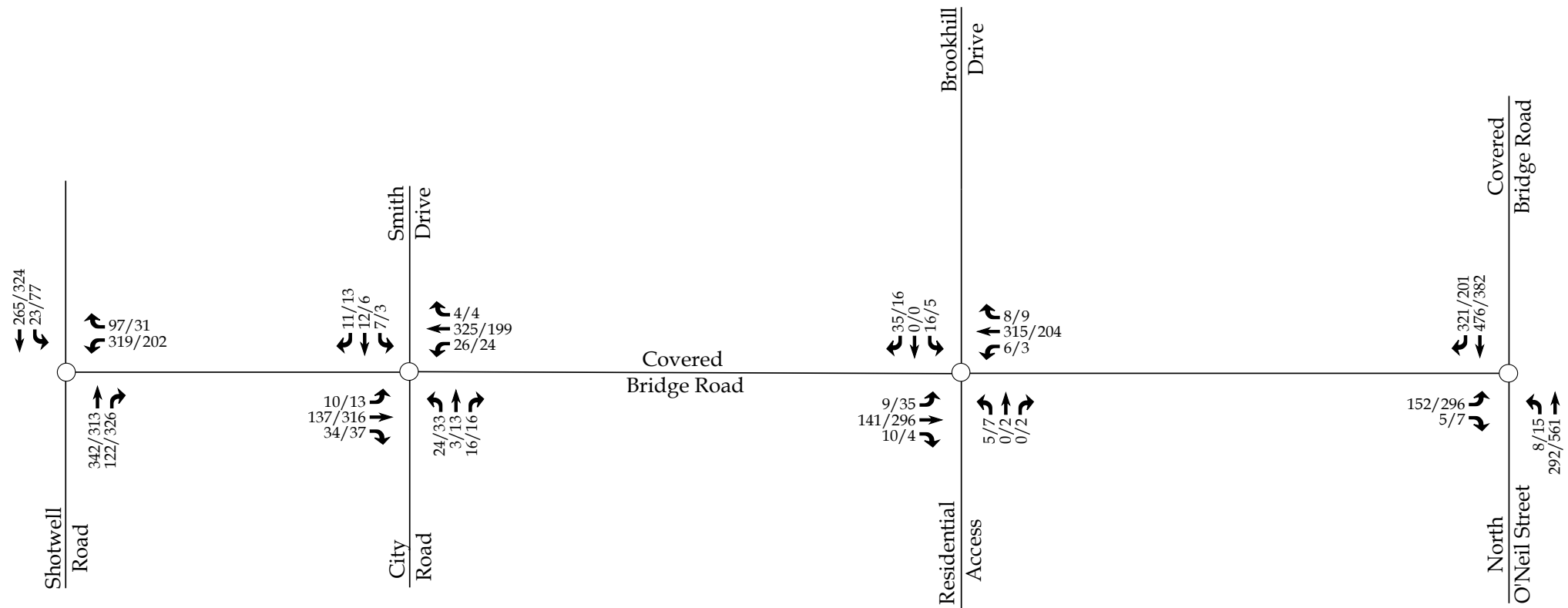
The 2023 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.

LEGEND

○

Unsignalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2023 Existing
Peak Hour Traffic

Scale: Not to Scale

Figure 4

3. 2025/2028 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the NCDOT and the Town, it was determined that an annual growth rate of 3% would be used to generate 2025/2028 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5a for 2025 projected peak hour traffic and Figure 5b for the 2028 projected peak hour traffic.

3.2. Adjacent Development Traffic

Through coordination with the NCDOT and the Town, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Carolina Overlook (Steeplechase)
- Ashcroft Phase 2
- Walton Farms
- Highgate and Creech Developments

Table 2, on the following page, provides a summary of the adjacent developments.

Table 2: Adjacent Development Information

Development Name	Location	Build-Out Year	Land Use / Intensity	TIA Performed
Carolina Overlook (Steeplechase)	South of Covered Bridge Road and west of N. O'Neil Street	2020	373 Single-family homes and 70 townhomes	March 2018 by RKA
Ashcroft Phase 2	East of N. O'Neil Street on the south side of the Neuse River	2030	300 Single-family homes, 300 townhomes, 180 apartments, and 105,000 square feet of general retail space	August of 2020 by Kimley Horn
Walton Farms	East of the Neuse River and north of Covered Bridge Road	2024	190 single-family homes and 120 apartments	April 2017 by RKA
Highgate and Creech Developments	Between Covered Bridge Road and Old US 70 to the east of Shotwell Road	2019	229 Single-family homes	September 2017 by Moffatt & Nichol

Steeplechase is expected to add a northbound approach, creating a fourth leg to the intersection of Covered Bridge Road and Brookhill Drive striped as a left-turn lane with 100 feet of storage and a shared through-right lane. The development is also expected to add an eastbound right-turn lane and a westbound left-turn lane. These improvements are already in place in the existing traffic conditions. The Highgate and Creech developments are expected to signalize the intersections of Covered Bridge Road and Shotwell Road as well as Covered Bridge Road and N. O'Neil Street.

It should be noted that the adjacent developments were approved, during scoping, by the NCDOT and the Town. Adjacent development trips are shown in Figure 6. Adjacent development information can be found in Appendix D.

3.3. Future Roadway Improvements

Based on coordination with the NCDOT and the Town, it was determined there were no additional future roadway improvements to be constructed other than those by other adjacent developments. Improvements required of other developments are considered in this study.

3.4. 2025/2028 No-Build Peak Hour Traffic Volumes

The 2025 and 2028 no-build traffic volumes were determined by projecting the 2023 existing peak hour traffic to the years 2025 and 2028 and adding the adjacent development trips. Refer to Figure 7a and Figure 7b for an illustration of the 2025 and 2028, respectively, no-build peak hour traffic volumes at the study intersections.

3.5. Analysis of 2025/2028 No-Build Peak Hour Traffic Conditions

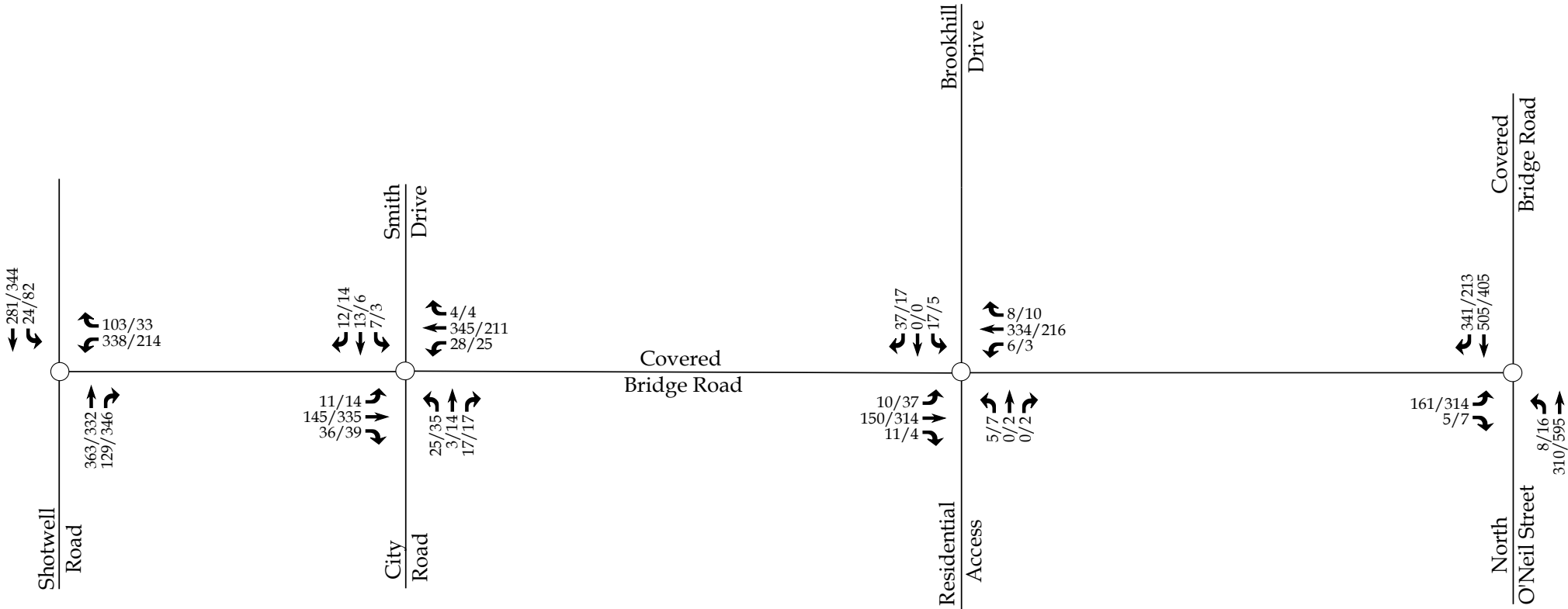
The 2025 and 2028 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.

LEGEND

○

Unsignalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Steeplechase North
Clayton, NC

2025 Projected
Peak Hour Traffic

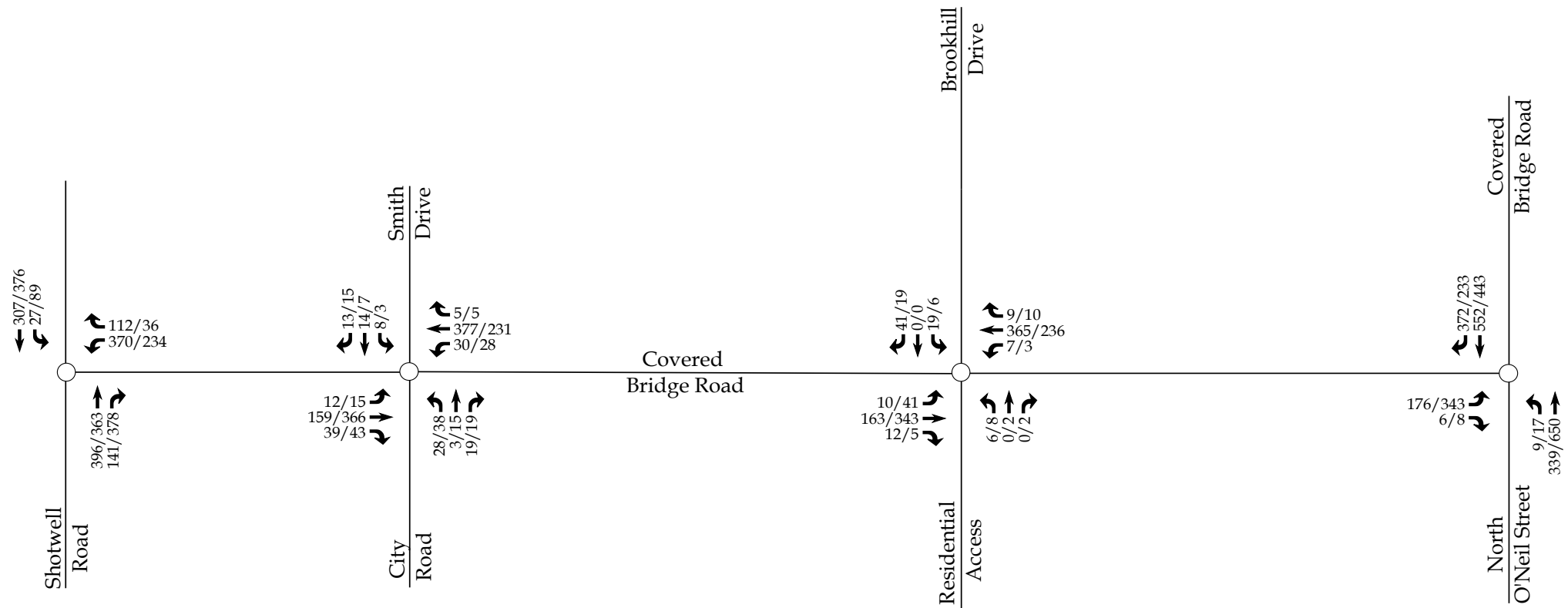
Scale: Not to Scale

Figure 5a

LEGEND

○ Unsignalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Steeplechase North
Clayton, NC

2028 Projected
Peak Hour Traffic

Scale: Not to Scale

Figure 5b

LEGEND

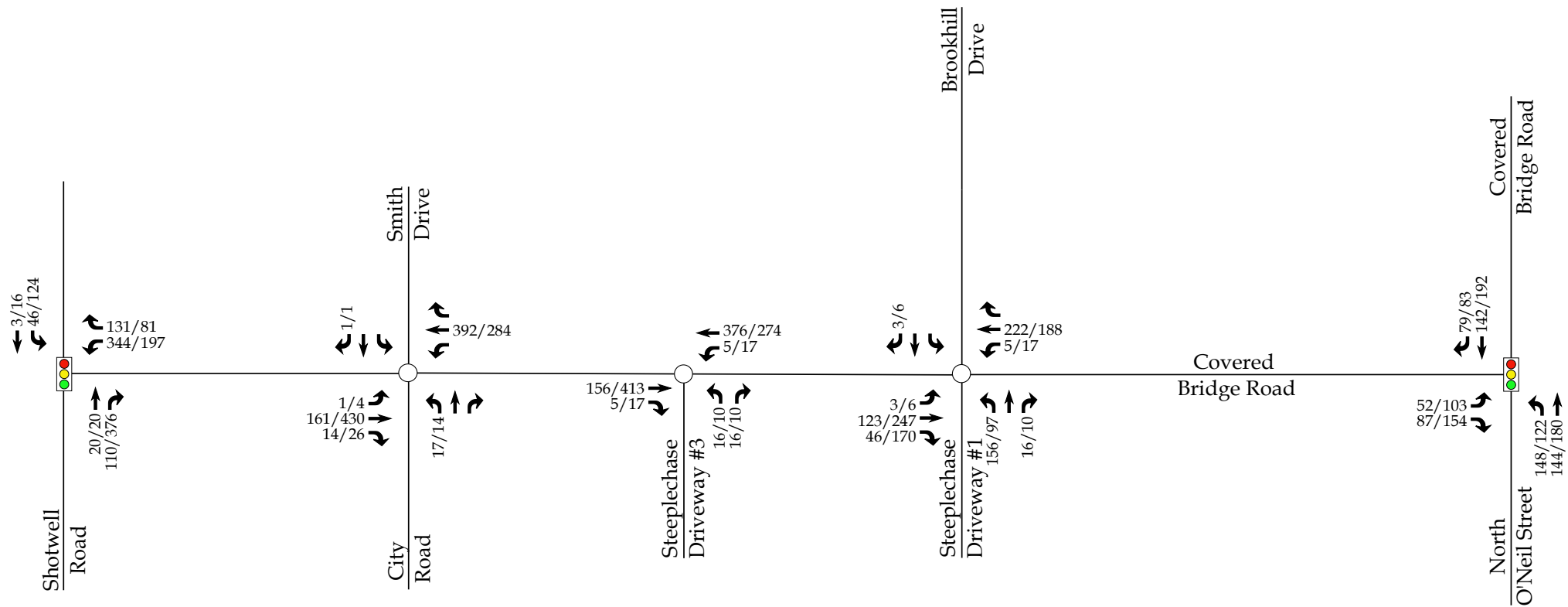
○

Unsignalized Intersection

Signalized Intersection

X / Y →

Weekday AM / PM Peak Hour
Adjacent Development Trips



Steeplechase North
Clayton, NC

Peak Hour Adjacent
Development Trips

Scale: Not to Scale

Figure 6

LEGEND

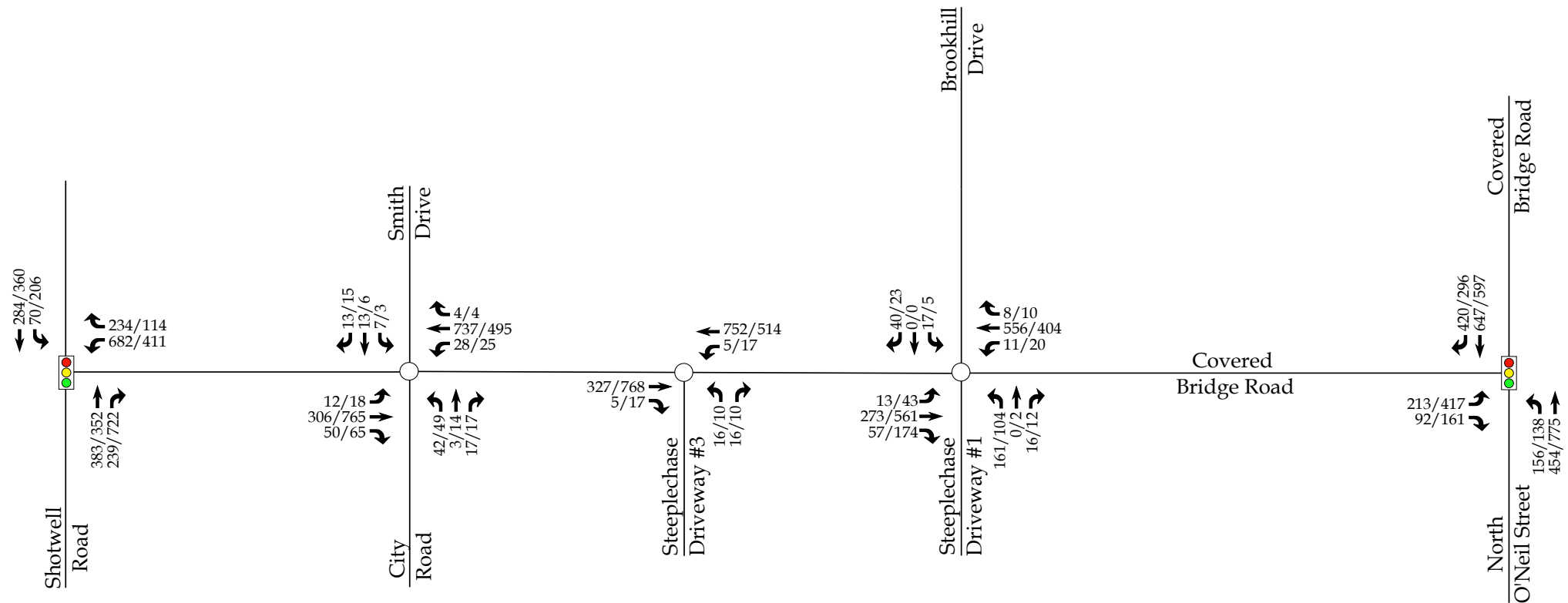
○

Unsignalized Intersection

Signalized Intersection

X / Y →

Weekday AM / PM Peak
Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2025 No-Build
Peak Hour Traffic

Scale: Not to Scale Figure 7a

LEGEND

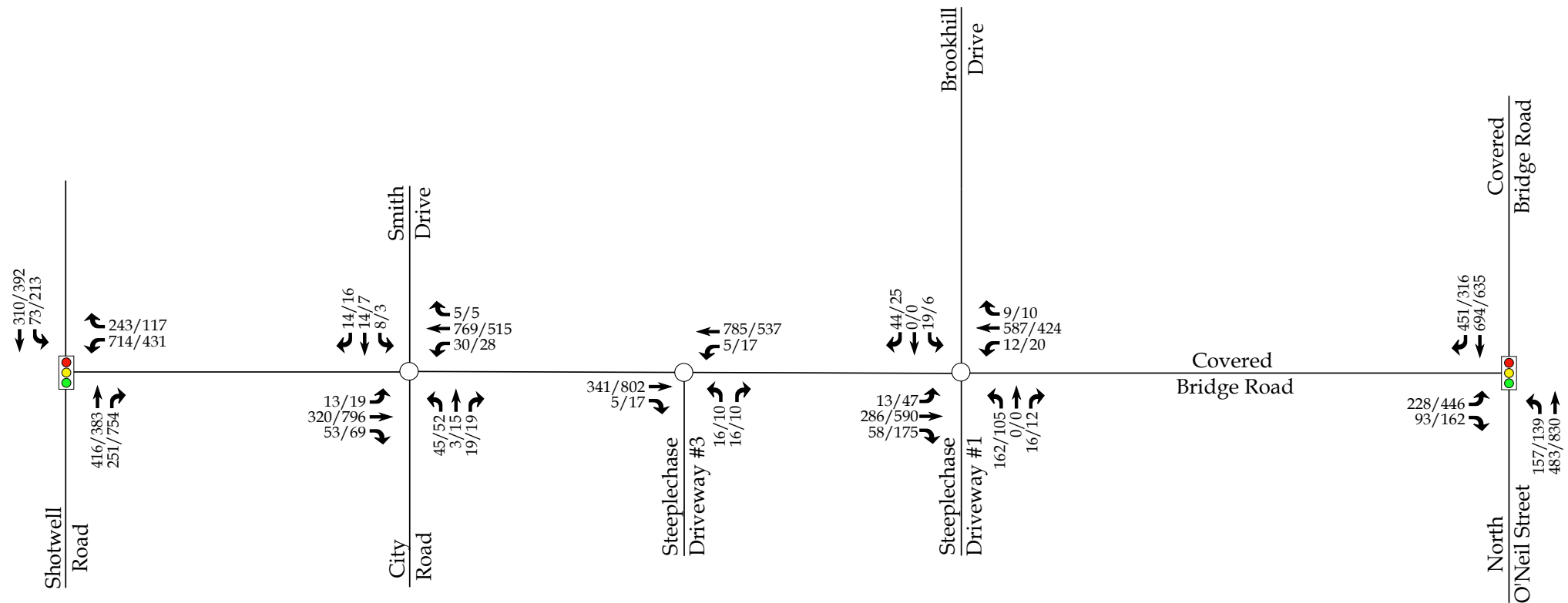
○

Unsignalized Intersection

Signalized Intersection

X / Y →

Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2028 No-Build
Peak Hour Traffic

Scale: Not to Scale Figure 7b

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 11.1 Edition. Table 3 provides a summary of the trip generation potential for the site.

Table 3: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
2025 Phase 1 Senior Adult – Single Family Housing (251)	375 units	1,822	35	71	75	49
2028 Full Build-Out Senior Adult – Single Family Housing (251)	750 units	3,285	59	121	130	84

In Phase 1 the proposed development will generate approximately 1,822 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 106 trips (35 entering and 71 exiting) will occur during the weekday AM peak hour and 124 trips (75 entering and 49 exiting) will occur during the weekday PM peak hour.

Under Full Build-Out traffic conditions, it is estimated that the proposed development will generate approximately 3,285 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 180 trips (59 entering and 121 exiting) will occur during the weekday AM peak hour and 214 trips (130 entering and 84 exiting) will occur during the weekday PM peak hour.

The full build-out of the proposed development will include up to 750 senior adult single-family residential units. This property was previously considered for development with approximately 1,200 residential units that would not be age restricted. The current plan proposal results in a significantly lower trip generation than the previous development plan.

4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.

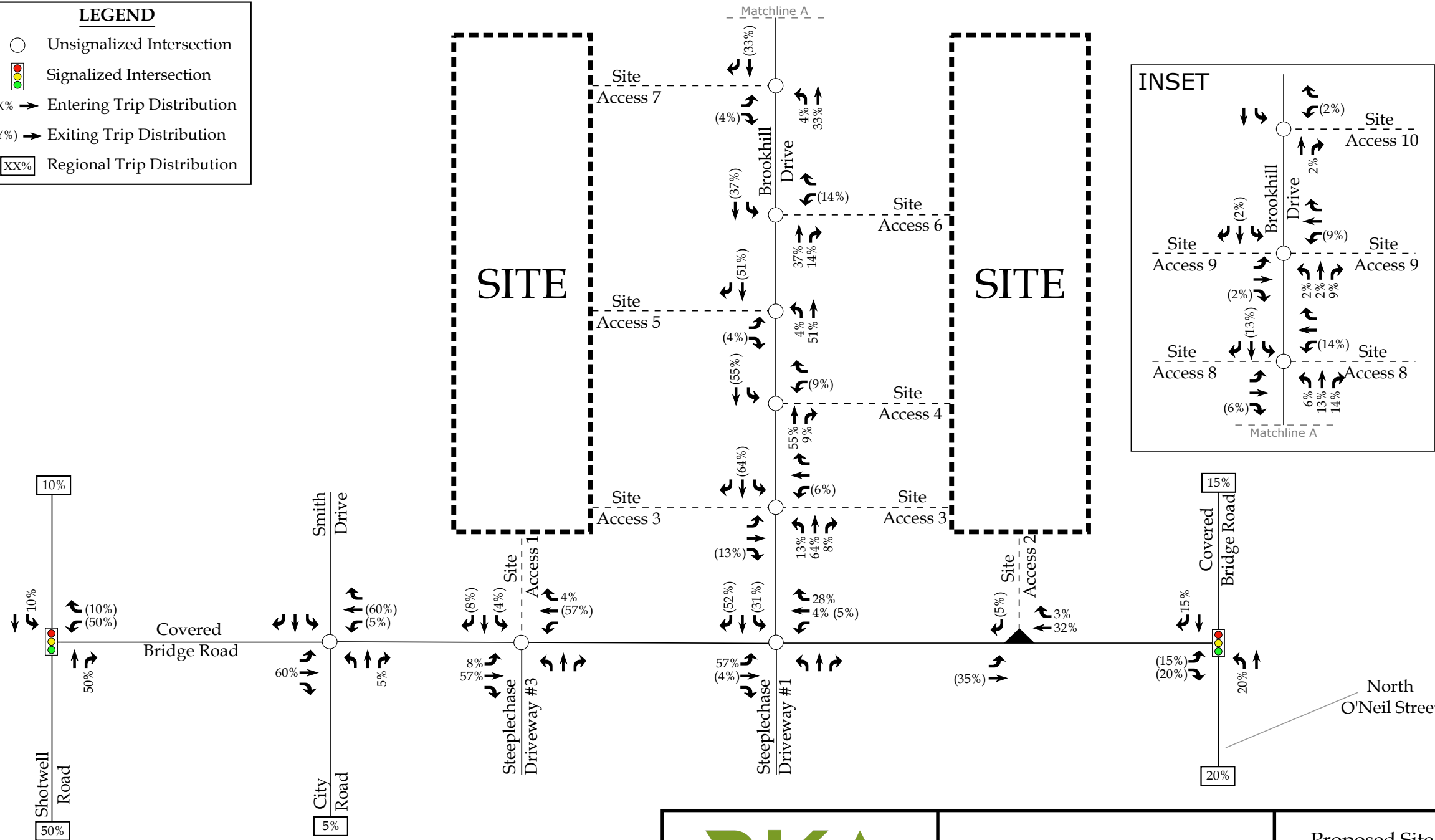
It is estimated that the site trips will be regionally distributed as follows:

- 50% to/from the south via Shotwell Road
- 20% to/from the south via N. O'Neil Street
- 15% to/from the north via Covered Bridge Road
- 10% to/from the north via Shotwell Road
- 5% to/from the south via City Road

The site trip distribution is shown in Figure 8 and refer to Figures 9a-9b for the site trip assignments.

LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- X% → Entering Trip Distribution
- (Y%) → Exiting Trip Distribution
- XX% Regional Trip Distribution





RKA
RAMEY KEMP ASSOCIATES

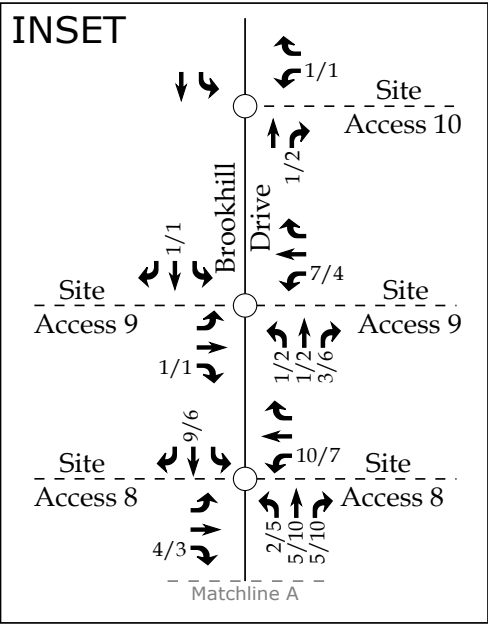
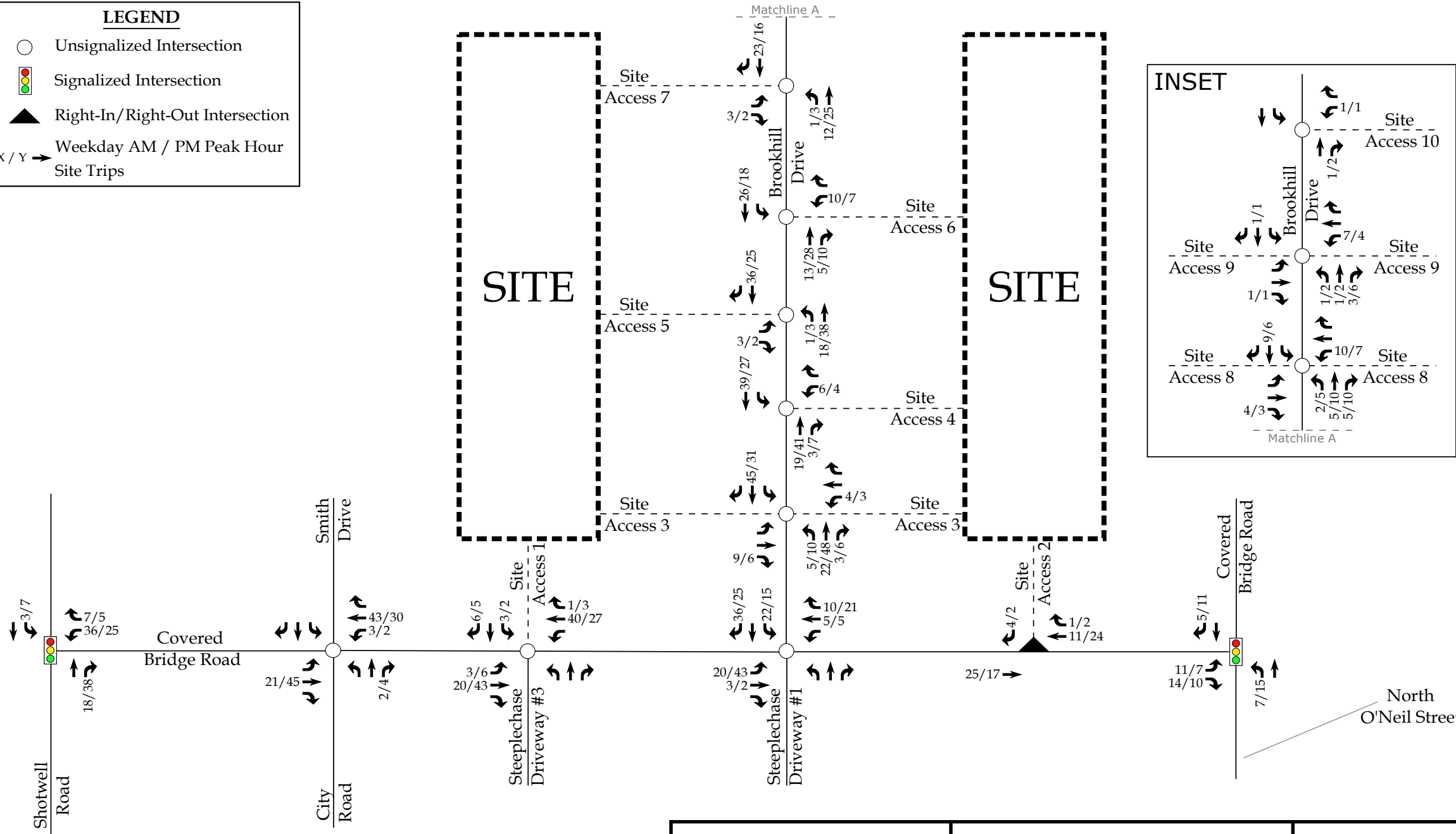
Steeplechase North
Clayton, NC

Proposed Site Trip
Distribution

Scale: Not to Scale Figure 8

LEGEND

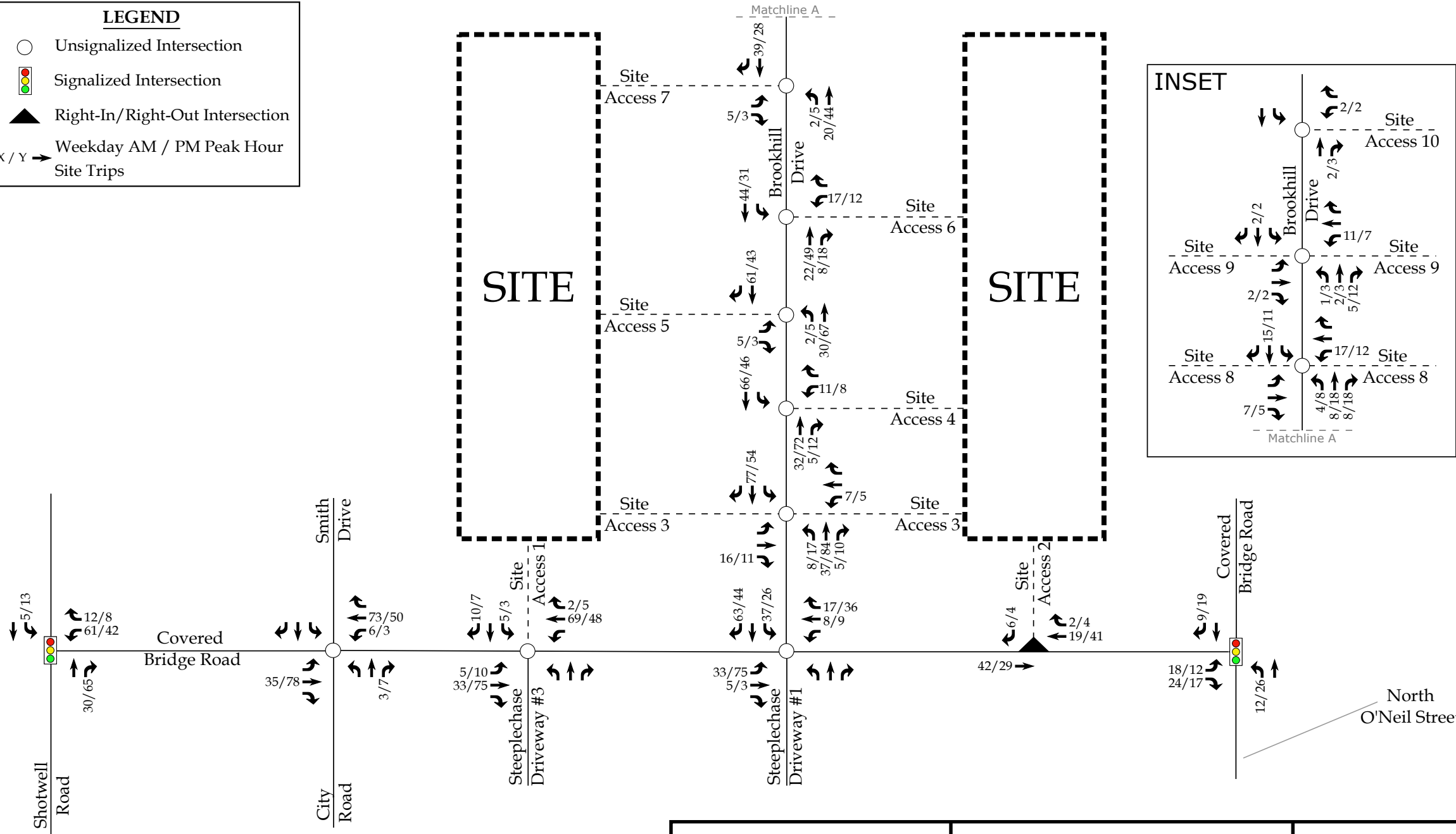
- Unsignalized Intersection
- ◫ Signalized Intersection
- ▲ Right-In/Right-Out Intersection
- X / Y → Weekday AM / PM Peak Hour Site Trips



 RAMEY KEMP ASSOCIATES	Steeplechase North Clayton, NC	Phase 1 Site Trip Assignment	
		Scale: Not to Scale	Figure 9a

LEGEND

- Unsignalized Intersection
- ◻ Signalized Intersection
- ▲ Right-In/Right-Out Intersection
- X / Y → Weekday AM / PM Peak Hour Site Trips



Steeplechase North
Clayton, NC

Full Build
Site Trip Assignment

Scale: Not to Scale

Figure 9b

5. 2025/2028 BUILD TRAFFIC CONDITIONS

5.1. 2025/2028 Build Peak Hour Traffic Volumes

To estimate traffic conditions with the site in Phase 1 and fully built-out, the total site trips were added to the 2025 and 2028 no-build traffic volumes to determine the 2025 and 2028 build traffic volumes. Refer to Figures 10a and 10b for an illustration of the 2025 and 2028 build peak hour traffic volumes with the proposed site in Phase 1 and fully developed.

5.2. Analysis of 2025/2028 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2025 and 2028 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.

LEGEND

○

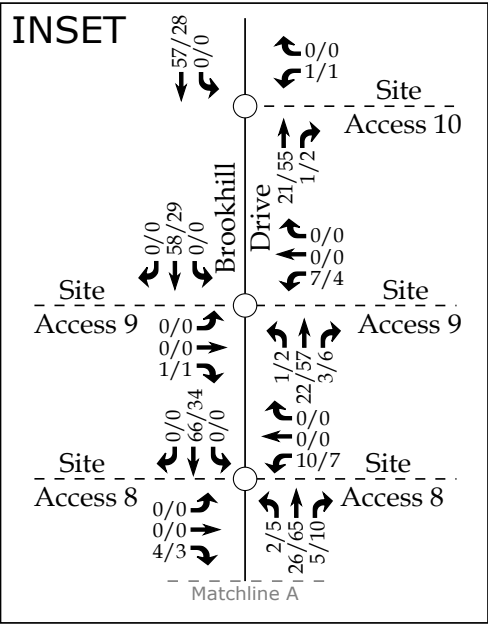
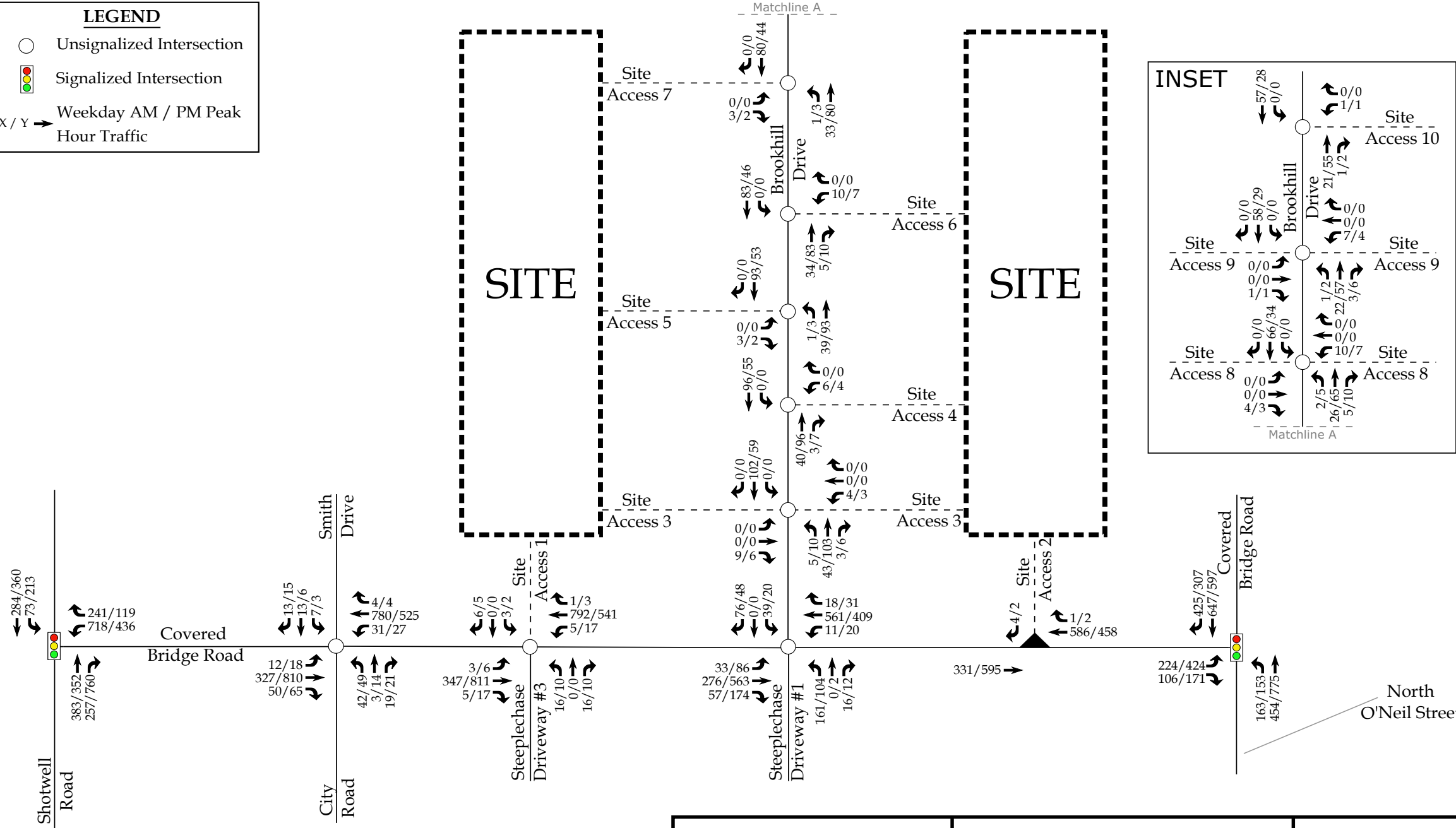
Unsignalized Intersection

🚦

Signalized Intersection

X / Y →

Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2025 Build
Peak Hour Traffic

Scale: Not to Scale Figure 10a

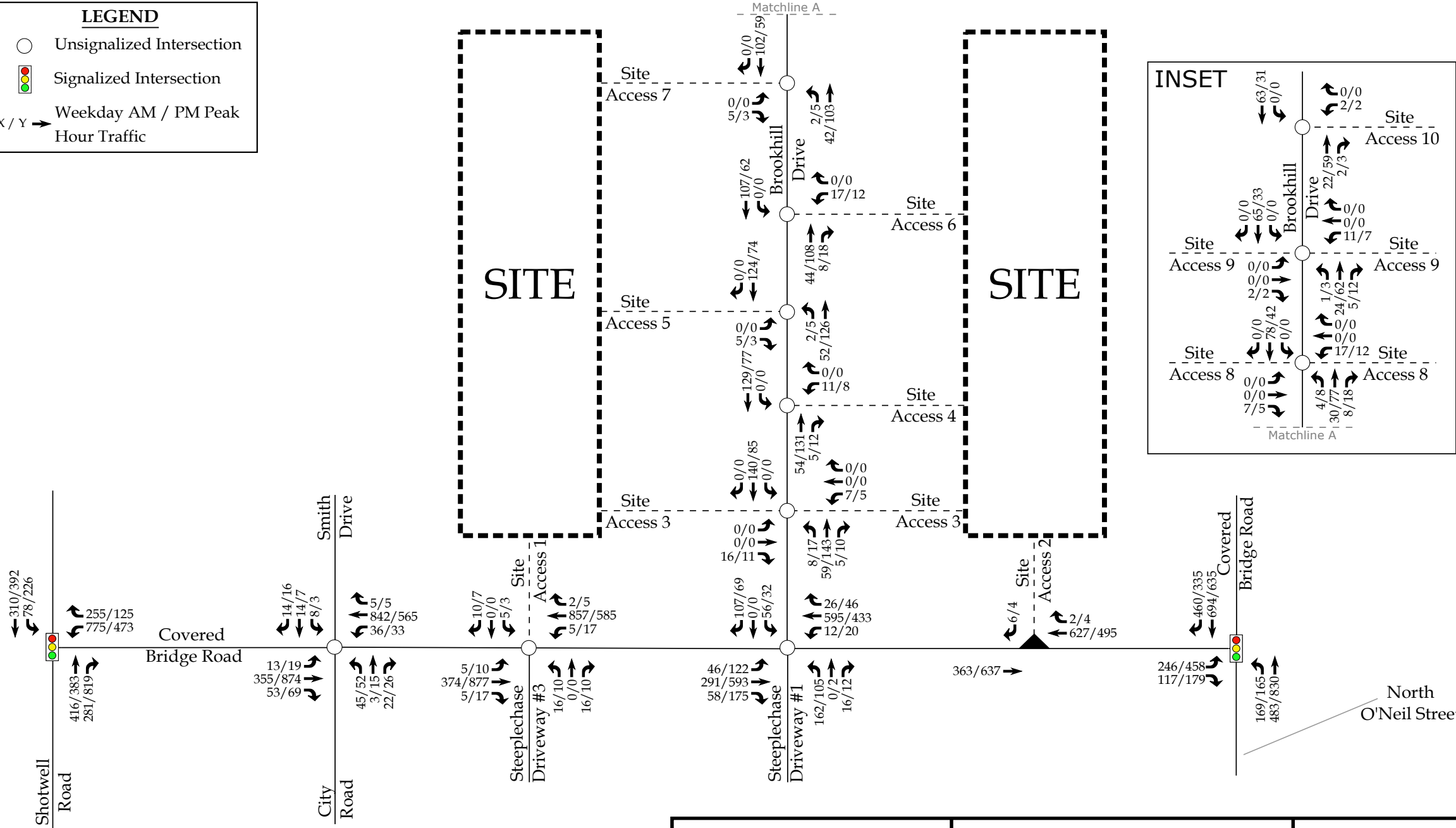
LEGEND

○

Unsignalized Intersection

Signalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2028 Build
Peak Hour Traffic

Scale: Not to Scale Figure 10b

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. Synchro (Version 11.1) was used to complete the analyses for the study area intersections. Unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”.

Table 4: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestion Management Guidelines. Any adjustments to the guidelines were accounted for in a separate analysis scenario.

7. CAPACITY ANALYSIS

7.1. Covered Bridge Road & Shotwell Road

The existing unsignalized intersection was analyzed under all traffic conditions with lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports.

Table 5: Analysis Summary of Covered Bridge Road & Shotwell Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	WB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	F ² -- A ¹	N/A	F ² -- A ¹	N/A
2025 No-Build	WB NB SB	1 LT, <u>1 RT</u> 1 TH, <u>1 RT</u> <u>1 LT</u> , 1 TH	F C B	E (72)	F D D	E (66)
2025 Build	WB NB SB	1 LT, <u>1 RT</u> 1 TH, <u>1 RT</u> <u>1 LT</u> , 1 TH	F C B	F (85)	F D E	F (80)
2025 Build - Signal Modifications	WB NB SB	1 LT, <u>1 RT</u> 1 TH, <u>1 RT</u> <u>1 LT</u> , 1 TH	C D D	D (40)	F E E	E (68)
2028 No-Build	WB NB SB	1 LT, <u>1 RT</u> 1 TH, <u>1 RT</u> <u>1 LT</u> , 1 TH	F C B	F (87)	F D E	E (77)
2028 Build	WB NB SB	1 LT, <u>1 RT</u> 1 TH, <u>1 RT</u> <u>1 LT</u> , 1 TH	D E D	D (46)	F E E	F (85)
2028 Build - with Improvements	WB NB SB	1 LT, <u>1 RT</u> 1 TH, <u>1 RT</u> <u>1 LT</u> , 1 TH	D E D	D (46)	F E E	F (85)
2028 Build - with Improvements/RTOR	WB NB SB	1 LT, <u>1 RT</u> 1 TH, <u>1 RT</u> <u>1 LT</u> , 1 TH	D D D	D (39)	D C D	C (29)

Improvements by developer are shown in bold.

Improvements by adjacent development are underlined.

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Capacity analysis indicates that the minor street approach is expected to operate at LOS F during the existing weekday AM and PM peak hours. The major street left turn is expected to operate at LOS A during the existing weekday AM and PM peak hours.

Under the no-build traffic condition the intersection is expected to be signalized by the Highgate and Creech development. During the no-build and build traffic conditions the intersection is expected to operate at LOS F during the weekday AM and PM peak hours. The westbound approach is expected to experience significant queueing during the AM peak hour. The proposed development is expected to account for 8% of the traffic along the westbound approach, and 5% along the northbound approach.

Modifying the signal timings under 2025 build traffic conditions was considered to improve the delay of the overall intersection. With signal modifications, the weekday AM peak hour is expected to operate at LOS D and the weekday PM peak hour is expected to operate at LOS E. Extending the westbound right-turn lane and southbound left-turn lane was considered under 2028 build traffic conditions to improve the delay of the overall intersection. Although when looking at the 2028 build with improvements traffic conditions the overall intersection continues to operate at an overall LOS D during the weekday AM peak hour, the weekday PM peak hour is expected to reduce to LOS F.

To show how the intersection is expected to operate in a more real-world condition, a 2028 build right-turns on red (RTOR) scenario with improvements analysis was also conducted. During the scenario right turns along the westbound and northbound approaches were allowed to turn on a red signal indication as they would in the field. This analysis indicates that the intersection is expected to operate at an overall LOS D during the weekday AM peak hour and LOS C during the weekday PM peak hour.

7.2. Covered Bridge Road & Smith Drive/City Road

The existing unsignalized intersection was analyzed under all traffic conditions with the existing lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports.

Table 6: Analysis Summary of Covered Bridge Road & Smith Drive/City Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ B ² B ²	N/A	A ¹ A ¹ C ² B ²	N/A
2025 No-Build	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ E ² D ²	N/A	A ¹ B ¹ F ² D ²	N/A
2025 Build	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ F ² D ²	N/A	A ¹ B ¹ F ² D ²	N/A
2028 No-Build	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ F ² D ²	N/A	A ¹ B ¹ F ² D ²	N/A
2028 Build	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	B ¹ A ¹ F ² E ²	N/A	A ¹ B ¹ F ² E ²	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Capacity analysis indicates that the major-street left turns are expected to operate at LOS B or better during all traffic conditions during the weekday AM and PM peak hours. The minor street approaches are expected to operate at LOS E or F during both the weekday AM and PM peak hours under future year conditions. It is not uncommon for minor streets to experience a higher delay at unsignalized intersections. The proposed development is expected to add 3

vehicles in the AM peak hour and 7 vehicles in the PM peak hour to the northbound approach of City Road. Traffic volumes are relatively low on the minor street approaches and would not be expected to meet warrants for consideration of a traffic signal.

7.3. Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1

The existing unsignalized intersection was analyzed under all traffic conditions with the existing lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports.

Table 7: Analysis Summary of Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT	A ¹ A ¹ B ² B ²	N/A	A ¹ A ¹ B ² B ²	N/A
2025 No-Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT	A ¹ A ¹ F ² C ²	N/A	A ¹ A ¹ F ² C ²	N/A
2025 Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT	A ¹ A ¹ F ² D ²	N/A	A ¹ A ¹ F ² D ²	N/A
2025 Build – with Improvements	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT , 1 TH-RT	A ¹ A ¹ F ² C ²	N/A	A ¹ A ¹ F ² C ²	N/A
2028 No-Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT	A ¹ A ¹ F ² C ²	N/A	A ¹ A ¹ F ² C ²	N/A
2028 Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT , 1 TH-RT	A ¹ A ¹ F ² D ²	N/A	A ¹ A ¹ F ² E ²	N/A

Improvements by developer are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS E or F during the weekday AM and PM peak hours under future conditions. The major-street approaches are expected to operate at LOS A during both the weekday AM and PM peak hours. When comparing the 2025 no-build and 2025 build traffic conditions the southbound approach is expected to drop from LOS C to LOS D during the weekday AM and PM peak hours. When comparing the 2028 no-build and 2028 build traffic conditions the southbound approach is expected to drop from LOS C to LOS E during the PM peak hour. It is not uncommon for minor streets to experience higher delays at unsignalized intersections. Minor Street approach traffic is expected to increase due to future development. An exclusive southbound left-turn lane with 100 feet of storage and appropriate taper length, and an exclusive westbound right-turn lane with 100 feet of storage and appropriate taper length are recommended at this intersection.

7.4. Covered Bridge Road & N. O'Neil Street

The existing unsignalized intersection was analyzed under all traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports.

Table 8: Analysis Summary of Covered Bridge Road & N. O'Neil Street

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	E ² A ¹ --	N/A	F ² A ¹ --	N/A
2025 No-Build	EB NB SB	<u>1 LT</u> , 1 RT <u>1 LT</u> , 1 TH 1 TH, <u>1 RT</u>	D C C	C (26)	E C C	C (35)
2025 Build	EB NB SB	<u>1 LT</u> , 1 RT <u>1 LT</u> , 1 TH 1 TH, <u>1 RT</u>	D C C	C (28)	D C D	D (37)
2028 No-Build	EB NB SB	<u>1 LT</u> , 1 RT <u>1 LT</u> , 1 TH 1 TH, <u>1 RT</u>	D C C	C (28)	F C C	D (42)
2028 Build	EB NB SB	<u>1 LT</u> , 1 RT <u>1 LT</u> , 1 TH 1 TH, <u>1 RT</u>	D D C	C (31)	D D D	D (41)

Improvements by adjacent development are underlined.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor street approach is expected to operate at LOS E during the existing weekday AM peak hour and LOS F during the weekday PM peak hour. Under no-build traffic conditions the intersection is expected to be signalized by the Highgate and Creech development. During no-build and build traffic conditions the intersection is expected to operate at LOS C during the weekday AM peak hour and LOS D or better during

the weekday PM peak hour. When comparing the 2025 no-build and 2025 build traffic conditions the overall LOS is expected to decrease from LOS C to LOS D in the PM peak hour; however, it should be noted that the increase in delay is expected to be less than 3 seconds. In the build traffic conditions, the proposed development traffic is expected to account for approximately 2% of the total vehicle traffic and queueing is not expected to increase significantly. Due to overall acceptable levels of service no additional improvements are recommended by the developer.

7.5. Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

The future unsignalized intersection was analyzed under no-build and build traffic conditions with the lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports.

**Table 9: Analysis Summary of Covered Bridge Road & Site Access
1/Steeplechase Driveway 3**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 No-Build	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT-RT	-- A ¹ C ²	N/A	-- A ¹ D ²	N/A
2025 Build	EB WB NB SB	1 LT-TH, 1 RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ D ² D ²	N/A	A ¹ A ¹ E ² E ²	N/A
2025 Build - with Improvements	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH, 1 RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ D ² D ²	N/A	A ¹ A ¹ E ² D ²	N/A
2028 No-Build	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT-RT	-- A ¹ C ²	N/A	-- A ¹ D ²	N/A
2028 Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH, 1 RT 1 LT-TH-RT 1 LT-TH-RT	B ¹ A ¹ D ² D ²	N/A	A ¹ B ¹ E ² E ²	N/A

Improvements by developer are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of no-build traffic conditions indicates the minor-street approach is expected to operate at LOS D or better during the weekday AM and PM peak hours. The major-street approach is expected to operate at LOS A during the weekday AM and PM peak

hours. Under build traffic conditions, the minor-street approaches are expected to operate at LOS D during the weekday AM peak hour and LOS E/F during the weekday PM peak hour. The major street is expected to operate at LOS B or better during the weekday AM and PM peak hours. It is not uncommon for minor streets to experience a higher delay at unsignalized intersections. Minor street traffic volumes are low and there are no queueing issues.

When comparing the no-build and build traffic conditions the northbound approach is expected to decrease in LOS during both peak hours. This decrease in LOS can be attributed to a more conservative analysis per NCDOT Congestion Management guidelines, volumes of 4 vph were included on any movements less than 4 vph, however it is not expected that a significant number of trips would travel to/from the Steeplechase Driveway to/from the proposed development.

Turn lanes along the eastbound and westbound approaches were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* but were found to not be warranted due to low turning volumes into the development. At the request of NCDOT the 2025 build with improvements condition was analyzed with a 100-foot right-turn lane and a 100-foot left turn lane. Under the 2025 build with improvements traffic condition the minor street approach is expected to operate at a LOS E or better during the weekday AM and PM peak hours. The major street left-turn movement is expected to operate at LOS A during the weekday AM and PM peak hour. The addition of turning lanes is expected to reduce queueing along the major streets. A left turn lane is provided on westbound Covered Bridge Road for Steeplechase Driveway 3. Although an eastbound left turn lane on Covered Bridge Road was not warranted, pavement should be available to provide a short-left turn lane on the eastbound approach for Site Access 1.

7.6. Covered Bridge Road and Site Access 2

The proposed right-in/right-out intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 10. Refer to Table 10 for a summary of the analysis results. Refer to Appendix J for the Synchro capacity analysis reports.

Table 10: Analysis Summary of Covered Bridge Road & Site Access 2

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	EB WB SB	1 TH 1 TH-RT 1 RT	-- -- B ²	N/A	-- -- B ²	N/A
2025 Build – with Improvements	EB WB SB	1 TH 1 TH, 1 RT 1 RT	-- -- B ²	N/A	-- -- B ²	N/A
2028 Build	EB WB SB	1 TH 1 TH-RT 1 RT	-- -- B ²	N/A	-- -- B ²	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of build traffic conditions indicates the minor-street approach of Site Access 2 is expected to operate at LOS B during the weekday AM and PM peak hours.

A turn lane along the westbound approach was considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* but was found to not be warranted due to low turning volumes into the development. It should be noted that at the request of NCDOT a 50-foot right-turn lane was analyzed under the build with improvements traffic condition.

7.7. Brookhill Drive & Site Access 3

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 11. Refer to Table 11 for a summary of the analysis results. Refer to Appendix K for the Synchro capacity analysis reports.

Table 11: Analysis Summary of Brookhill Drive & Site Access 3

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	A ²		A ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	
2028 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	B ²		B ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS B or better during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.8. Brookhill Drive & Site Access 4

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 12. Refer to Table 12 for a summary of the analysis results. Refer to Appendix L for the Synchro capacity analysis reports.

Table 12: Analysis Summary of Brookhill Drive & Site Access 4

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A
2028 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.9. Brookhill Drive & Site Access 5

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 13. Refer to Table 13 for a summary of the analysis results. Refer to Appendix M for the Synchro capacity analysis reports.

Table 13: Analysis Summary of Brookhill Drive & Site Access 5

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A
2028 Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.10. Brookhill Drive & Site Access 6

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 14. Refer to Table 14 for a summary of the analysis results. Refer to Appendix N for the Synchro capacity analysis reports.

Table 14: Analysis Summary of Brookhill Drive & Site Access 6

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A
2028 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.11. Brookhill Drive & Site Access 7

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 15. Refer to Table 15 for a summary of the analysis results. Refer to Appendix O for the Synchro capacity analysis reports.

Table 15: Analysis Summary of Brookhill Drive & Site Access 7

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A
2028 Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.12. Brookhill Drive & Site Access 8

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 16. Refer to Table 16 for a summary of the analysis results. Refer to Appendix P for the Synchro capacity analysis reports.

Table 16: Analysis Summary of Brookhill Drive & Site Access 8

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	A ²		A ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	
2028 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	A ²		A ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.13. Brookhill Drive & Site Access 9

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 17. Refer to Table 17 for a summary of the analysis results. Refer to Appendix Q for the Synchro capacity analysis reports.

Table 17: Analysis Summary of Brookhill Drive & Site Access 9

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	A ²		A ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	
2028 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	A ²		A ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.14. Brookhill Drive & Site Access 10

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 18. Refer to Table 18 for a summary of the analysis results. Refer to Appendix R for the Synchro capacity analysis reports.

Table 18: Analysis Summary of Brookhill Drive & Site Access 10

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A
2028 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Steeplechase North development, along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. Site access to the western parcel is proposed one (1) full movement driveway along Covered Bridge Road, one right-in/right-out driveway along Covered Bridge Road, and eight (8) full movement driveways along Brookhill Drive.

The proposed development will include up to 750 senior adult single-family residential units. This property was previously considered for development with approximately 1,200 residential units that would not be age-restricted. The current plan proposal results in a significantly lower trip generation than the previous development plan.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions
- 2028 No-Build Traffic Conditions
- 2028 Build Traffic Conditions

Trip Generation

Based on the current site plan with age-restricted units, it is estimated that the development, during phase 1 will generate approximately 106 primary trips (31 entering and 71 exiting) during the weekday AM peak hour and 124 primary trips (75 entering and 49 exiting) during the weekday PM peak hour. At full buildout will generate approximately 180 primary trips (59 entering and 121 exiting) during the weekday AM peak hour and 214 primary trips (130 entering and 84 exiting) during the weekday PM peak hour. Age-restricted residential units would likely be the lowest trip-generating use for the property. Traditional residential units (non-age restricted) would be expected to generate much higher trips than the proposed development plan.

Capacity Analysis Summary

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Analysis with any adjustments to the guidelines were included as a separate analysis scenario.

Covered Bridge Road & Shotwell Road

Improvements at this intersection are anticipated to be completed by other developments and include a traffic signal and turn lanes on each approach. Due to significant queuing, extending the southbound left-turn lane on Shotwell Road. With the improvements, the intersection is expected to operate at an acceptable LOS. Right-turn-on-red was considered in build conditions and results in a much improved LOS during the PM peak hour which is due to the higher northbound right turns from Shotwell Road.

Covered Bridge Road & Smith Drive/City Road

Although minor street approaches are expected to operate at poor LOS in the future, traffic volumes are relatively low on Smith Drive and City Road and these low traffic volumes would not warrant consideration of a traffic signal. The proposed development is expected to add 3 vehicles in the AM peak hour and 7 vehicles in the PM peak hour to the northbound approach of City Road.

Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1

Analysis indicates both minor street approaches will operate at LOS D, E or F during the peak hours in the future with build out of all developments. Minor Street approach traffic is primarily future development trips. An exclusive southbound left-turn lane with 100 feet of storage and appropriate taper length, and an exclusive westbound right-turn lane with 100 feet of storage and appropriate taper length are recommended at this intersection.

Covered Bridge Road & N. O'Neil Street

Covered Bridge Road is proposed to be realigned to intersect O/Neil Street to the south. The intersection is anticipated to be signalized by another development which provides an acceptable LOS at the intersection. When comparing the no-build and build traffic conditions

the overall intersection increases by only 3 seconds in the AM and 5 seconds in the PM. In build traffic conditions, the development trips account for approximately 2% of the total vehicle traffic.

Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

In the future, the minor-street approaches are expected to operate at LOS E/F during the weekday PM peak hour. A left turn lane is provided on westbound Covered Bridge Road for Steeplechase Driveway 3. At the request of NCDOT the 2025 build with improvements condition was analyzed with a 100-foot right-turn lane and a 100-foot left turn lane. Under the 2025 build with improvements traffic condition the minor street approach is expected to operate at a LOS E or better during the weekday AM and PM peak hours. The major street left-turn movement is expected to operate at LOS A during the weekday AM and PM peak hour. The addition of turning lanes is expected to reduce queueing along the major streets. Although an eastbound left turn lane on Covered Bridge Road was not warranted, pavement should be available to provide a short-left turn lane on the eastbound approach for Site Access 1.

Covered Bridge Road & Site Access 2

Although the intersection operates at an acceptable LOS and turn lanes are not warranted based on traffic volumes, a right turn lane with 50 feet of storage is requested by NCDOT.

Brookhill Drive & All Site Access Driveways

Based on low traffic volumes, all Site Access intersections are expected to operate at good LOS with a single approach lane on site access and no additional turn lanes on Brookhill Drive.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

Improvements by Steeplechase

Covered Bridge Road & N. O'Neil Street

- Construct a southbound right-turn lane with 275 feet of storage and appropriate taper.

Improvements by Highgate and Creech

Covered Bridge Road & Shotwell Road

- Install a traffic signal.
- Construct a northbound right-turn lane with 300 feet of storage and appropriate taper.
- Construct a southbound left-turn lane with 150 feet of storage and appropriate taper.
- Construct westbound right-turn lane with 200 feet of storage and appropriate taper.

Covered Bridge Road & N. O'Neil Street

- Install a traffic signal.

Improvements by Ashcroft Phase 2

Covered Bridge Road & N. O'Neil Street

- Construct a northbound left-turn lane with 250 feet of storage and appropriate taper.
- Construct an eastbound right-turn lane with 100 feet of storage and appropriate taper.

Recommended Improvements by Developer – Phase 1Covered Bridge Road & Shotwell Road

- Signal timings modification.

Covered Bridge Road & Smith Drive / City Road

- Monitor for signalization for one year.

Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right turn lane.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Construct an eastbound left turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & Brookhill Driveway

- Construct a southbound left-turn lane with 100 feet of storage and appropriate taper.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Monitor for signalization for one year.

Covered Bridge Road & Site Access 2

- Construct the southbound approach with one ingress lane and one egress lane striped as a right-turn lane.
- Construct a westbound right turn lane with 50 feet of storage and appropriate taper.

Brookhill Drive & Site Access 3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 9

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

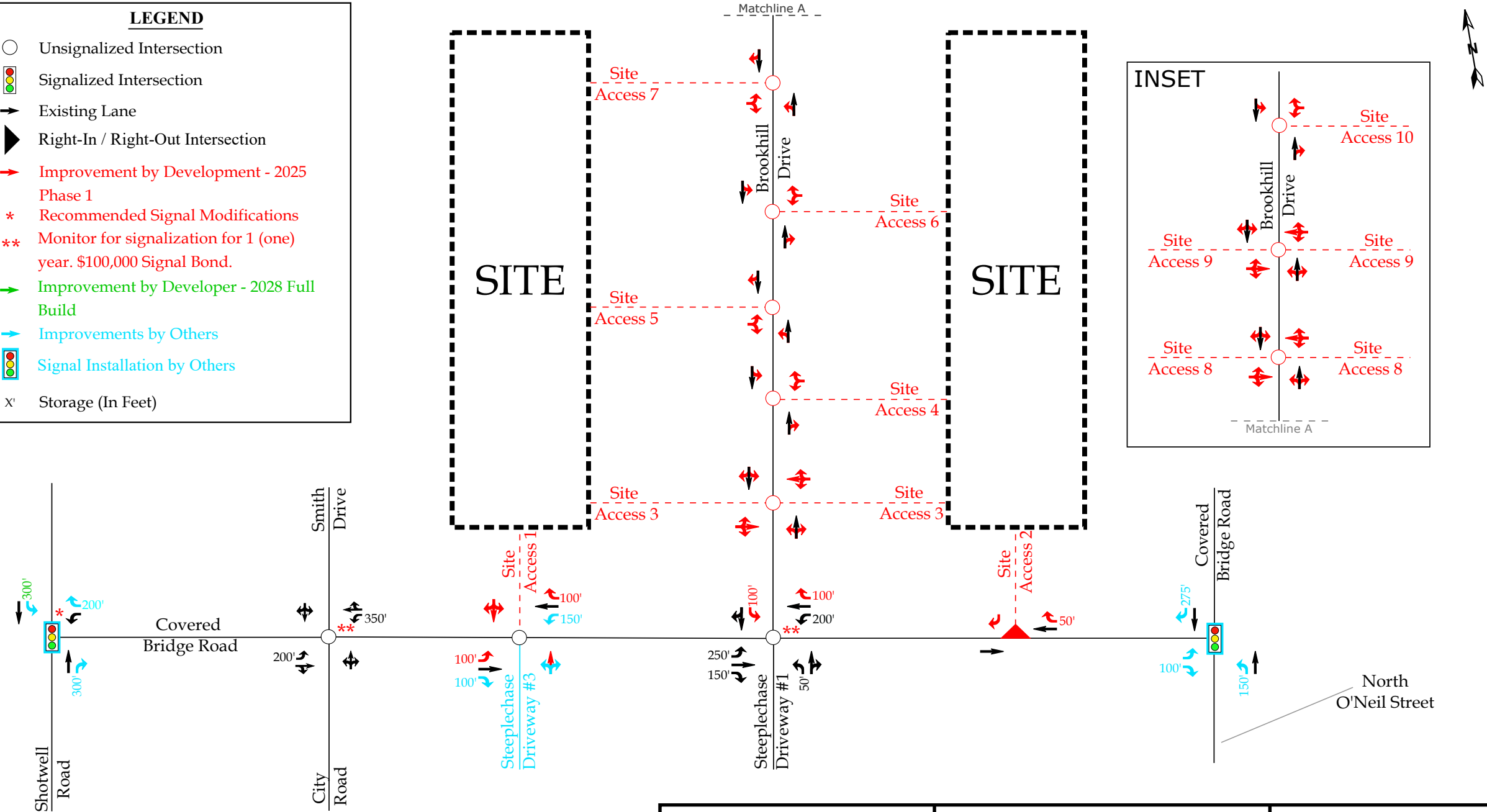
Recommended Improvements by Developer – Full Build

Covered Bridge Road & Shotwell Road

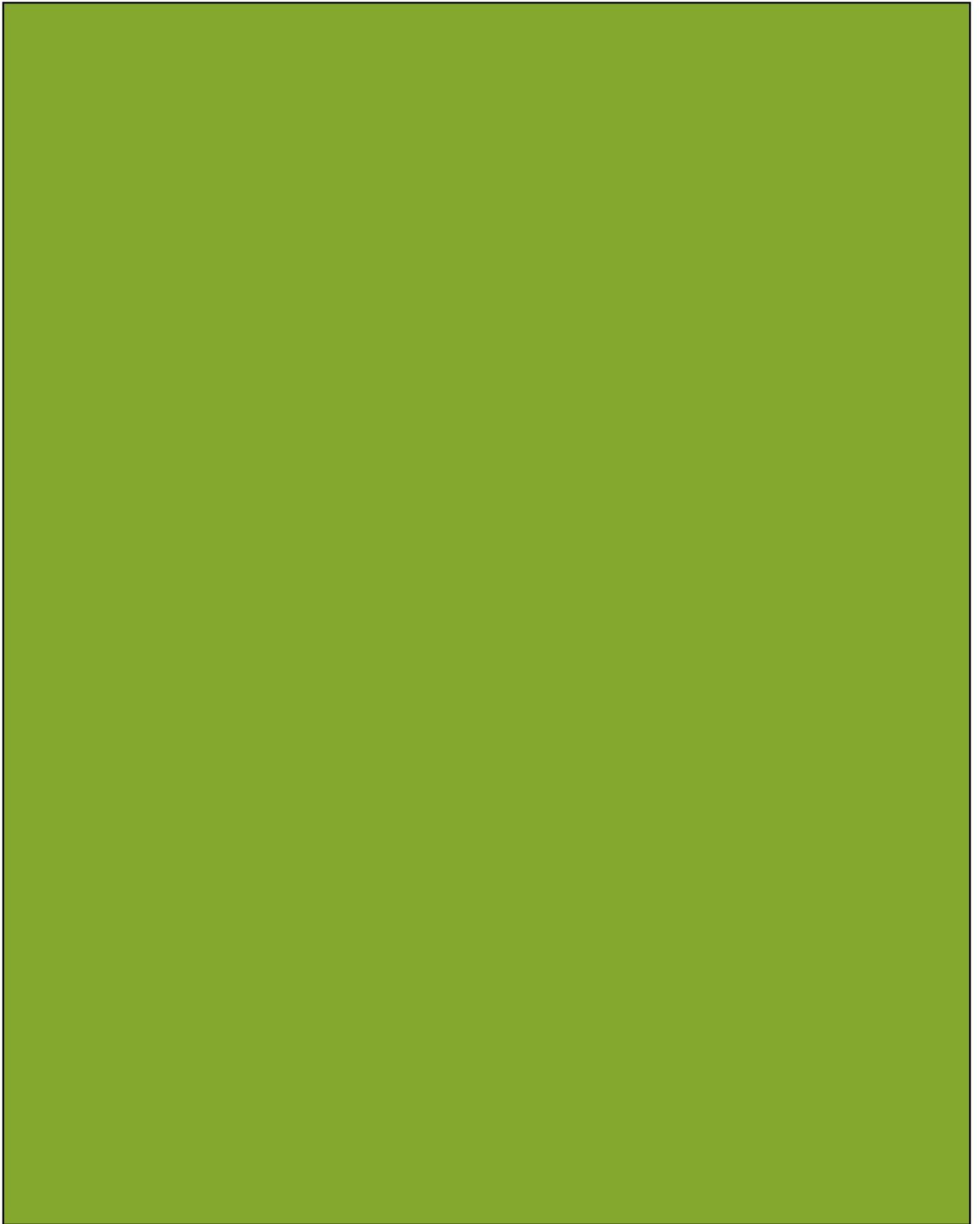
- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
- Extend southbound right-turn lane to 300 feet of storage with appropriate taper.

LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- Existing Lane
- ◀▶ Right-In / Right-Out Intersection
- Improvement by Development - 2025 Phase 1
- * Recommended Signal Modifications
- ** Monitor for signalization for 1 (one) year. \$100,000 Signal Bond.
- Improvement by Developer - 2028 Full Build
- Improvements by Others
- ◫ Signal Installation by Others
- x' Storage (In Feet)



	Steeplechase North Clayton, NC	Recommended Lane Configurations	
		Scale: Not to Scale	Figure 11



Recommend Conditions of Approval (SUB 2023-115-CZM)
Carolina Overlook North Conditional Zoning District and Master Plan

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved master plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.
4. The following uses are permitted by-right within the areas identified on the associated Master Plan:
 - Single-Family Detached
 - Townhouse
 - Park
 - Parking Lot
 - Food Truck
 - Associated Residential Accessory Uses
5. No more than 20 percent of the residential units may be constructed as Townhome units.
6. No townhome units are allowed adjacent to the existing residential subdivision/Clayton ETJ boundary to the north and northwest of the site.
7. Apartments are specifically excluded from the list of permitted uses.
8. Each Single Family detached unit shall provide either two (2) or three (3) car garage spaces and two (2) driveway parking spaces. Each Townhouse unit shall provide a minimum of one garage space and one driveway space.
9. The HOA shall maintain all areas of common open space including landscape medians at entrances and perimeter buffers.
10. At least 80 percent of the occupied dwellings in the community must be occupied by at least one occupant who is 55 years of age or older in accordance with the Housing for Older People Act (HOPA).

11. The following standards will apply to the development:
 - Maximum number of dwelling units will not exceed 750.
 - Maximum density: 2.1 units per acre.
 - Density may be modified so long as the maximum dwelling units per acre remains consistent with the approved TIA.
 - Minimum lot size: 4,400 SF (2-Unit Townhomes)
 - Minimum lot size: 4,700 SF (Single Family Detached)
 - Front loaded single family detached units will provide a minimum garage setback of 21.5 feet.
 - Townhome units will provide a minimum garage setback of 25 feet.
 - All minimum dimensional standards as specified in the Master Plan.
12. The development will include the following active amenity areas:
 - Community Clubhouse/Meeting Space with Fitness Facility
 - Outdoor Pool
 - Walking Trails
 - Fenced Dog Park
 - Pocket Parks
 - Community Garden
13. The Town of Clayton Planning Director may administratively waive the required connections to Smith Drive, Missy Lane, and William Lane due to the private status of these roadways in the Clayton ETJ.
14. Construction of the proposed clubhouse amenity and pool prior to receipt of the Certificate of Occupancy for the 375th unit/lot.
15. The widening of Brookhill Drive shall be completed by the 50th Certificate of Occupancy.
16. Active open space plans are to be submitted and reviewed separately from Construction Drawings/Site Plan.
17. Eco-friendly and energy efficient features will include three of the following: Energy efficient home tested and certified by a third party to the Duke Energy Progress HERO standards including blower door testing on all homes, 17 seer gas heat and central air conditioning installed within conditioned space, digital programmable thermostat on each HVAC system, low-E vinyl single hung windows with insulated glass, Grade 1 R-15 fiberglass batt insulation in exterior wall systems, R-38 blown fiberglass insulation in all heated ceiling areas, 50 gallon gas water heater, continuous ridge and soffit vents for maximum attic airflow, oriented strand board (OSB) exterior wall sheathing with housewrap weather protection system installed to provide comfort and energy-efficiency helping to control moisture intrusion, poly seal on windows and doors to prevent water and air intrusion, Advanced Framing Techniques utilizing California Corners, Ladder Blocking and Draft Stopping in unconditioned areas to improve energy efficiency, Subfloor installation properly fastened with upgraded fasteners and glued to joists, water saving toilets.

Equivalent energy-efficient construction material may be substituted for any items noted above.

18. HVAC units will be screened on the side fronting a public street with the use of evergreen shrubs. On corner lots, shrubbery will be added to screen the front and side of HVAC units.
19. Road Improvements from Transportation Impact Analysis (TIA) prepared by Ramey Kemp Associates (with NCDOT approval) to be constructed by developer:

Phase 1

Covered Bridge & Shotwell Road

- Signal timings modification.

Covered Bridge Road & Smith Drive/ City Road

- Monitor for signalization for one year.

Covered Bridge Road & Site Access #1 /Steeplechase Driveway #3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Construct an eastbound left turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & Brookhill Driveway

- Construct a southbound left-turn lane with 100 feet of storage and appropriate taper.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Monitor for signalization for one year.

Covered Bridge Road & Site Access #2

- Construct the southbound approach with one ingress lane and one egress lane striped as a right-turn lane.
- Construct a westbound right turn lane with 50 feet of storage and appropriate taper.

Brookhill Drive & Site Access #3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #9

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Full Build

Covered Bridge & Shotwell Road

- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
- Extend southbound right-turn lane to 300 feet of storage with appropriate taper.

20. A 30 foot undisturbed buffer will be provided along the northern boundary that abuts the Olde Mill Stream Subdivision. The undisturbed buffer will be supplemented where necessary to provide a Type C buffer.
21. The project will exceed the allowable cul-de-sac length in three (3) locations; but shall not exceed 1200 feet in length, including a branching stem. Appendix D, Section D103, of the adopted North Carolina State Fire Code allows cul-de-sacs to exceed 750 feet with approval. The excess length is due to environmental, topographic, and easement constraints. The extension of the cul-de-sac length will minimize stream crossings and environmental impacts.
22. The detention provided within the drainage area discharging to the point of analysis along the project's property boundary that intersects adjacent property boundaries with NCPINs

176000-44-8293 and 176000-54-1106 will maintain or reduce peak flow rates at the boundary analysis point compared to those of existing peak flow rate calculations for the 1-yr, 10-yr, 25-yr, and 50-yr, 24-hr storm events.

23. Double lined silt fencing will be provided along the grading boundaries along the east side of the property.

24. The following Architectural Standards shall be met:

- Units will be a mixture of one-story, one and one-half stories, and two-story with a variety of elevations. Units of the same elevation shall not be side by side. Exterior color schemes will not be repeated side by side.
- Townhome units shall be limited to no more than three attached units per building.
- All homes will have a combination of two or more of the following materials on the front façade: stone, brick, lap siding, fiber cement siding, shakes or board and batten. Vinyl may be used for soffits, fascia, and corner boards.
- Vinyl siding will not be used on front, side, or rear facades with the exception of trim such as soffits, fascia, and corner boards.
- A minimum of fifty percent of all residential units shall have a covered front porch or stoop.
- Architectural style shingles to be used.
- Rear concrete pad/patio will be provided on a minimum of fifty percent of all residential units.
- To accommodate larger garage spaces and façade features, garage doors may constitute more than 50% of the width of the proposed townhomes.

25. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am in agreement with the conditions as they are outlined within this letter.

Chris Raughley
Print Name

Chris Raughley
Signature of Applicant

3-22-24
Date

Recommend Conditions of Approval (SUB 2023-115-CZM)
Carolina Overlook North Conditional Zoning District and Master Plan

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved master plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.
4. The following uses are permitted by-right within the areas identified on the associated Master Plan:
 - Single-Family Detached
 - Townhouse
 - Park
 - Parking Lot
 - Food Truck
 - Associated Residential Accessory Uses
5. No more than 20 percent of the residential units may be constructed as Townhome units.
6. No townhome units are allowed adjacent to the existing residential subdivision/Clayton ETJ boundary to the north and northwest of the site.
7. Apartments are specifically excluded from the list of permitted uses.
8. Each Single Family detached unit shall provide either two (2) or three (3) car garage spaces and two (2) driveway parking spaces. Each Townhouse unit shall provide a minimum of one garage space and one driveway space.
9. The HOA shall maintain all areas of common open space including landscape medians at entrances and perimeter buffers.
10. At least 80 percent of the occupied dwellings in the community must be occupied by at least one occupant who is 55 years of age or older in accordance with the Housing for Older People Act (HOPA).

11. The following standards will apply to the development:
 - Maximum number of dwelling units will not exceed 750.
 - Maximum density: 2.1 units per acre.
 - Density may be modified so long as the maximum dwelling units per acre remains consistent with the approved TIA.
 - Minimum lot size: 4,400 SF (2-Unit Townhomes)
 - Minimum lot size: 4,700 SF (Single Family Detached)
 - Front loaded single family detached units will provide a minimum garage setback of 21.5 feet.
 - Townhome units will provide a minimum garage setback of 25 feet.
 - All minimum dimensional standards as specified in the Master Plan.
12. The development will include the following active amenity areas:
 - Community Clubhouse/Meeting Space with Fitness Facility
 - Outdoor Pool
 - Walking Trails
 - Fenced Dog Park
 - Pocket Parks
 - Community Garden
13. The Town of Clayton Planning Director may administratively waive the required connections to Smith Drive, Missy Lane, and William Lane due to the private status of these roadways in the Clayton ETJ.
14. Construction of the proposed clubhouse amenity and pool prior to receipt of the Certificate of Occupancy for the 375th unit/lot.
15. The widening of Brookhill Drive shall be completed by the 50th Certificate of Occupancy.
16. Active open space plans are to be submitted and reviewed separately from Construction Drawings/Site Plan.
17. Eco-friendly and energy efficient features will include three of the following: Energy efficient home tested and certified by a third party to the Duke Energy Progress HERO standards including blower door testing on all homes, 17 seer gas heat and central air conditioning installed within conditioned space, digital programmable thermostat on each HVAC system, low-E vinyl single hung windows with insulated glass, Grade 1 R-15 fiberglass batt insulation in exterior wall systems, R-38 blown fiberglass insulation in all heated ceiling areas, 50 gallon gas water heater, continuous ridge and soffit vents for maximum attic airflow, oriented strand board (OSB) exterior wall sheathing with housewrap weather protection system installed to provide comfort and energy-efficiency helping to control moisture intrusion, poly seal on windows and doors to prevent water and air intrusion, Advanced Framing Techniques utilizing California Corners, Ladder Blocking and Draft Stopping in unconditioned areas to improve energy efficiency, Subfloor installation properly fastened with upgraded fasteners and glued to joists, water saving toilets.

Equivalent energy-efficient construction material may be substituted for any items noted above.

18. HVAC units will be screened on the side fronting a public street with the use of evergreen shrubs. On corner lots, shrubbery will be added to screen the front and side of HVAC units.
19. Road Improvements from Transportation Impact Analysis (TIA) prepared by Ramey Kemp Associates (with NCDOT approval) to be constructed by developer:

Phase 1

Covered Bridge & Shotwell Road

- Signal timings modification.
- ~~Extend westbound right turn lane to 200 feet of storage with appropriate taper.~~

Covered Bridge Road & Smith Drive/ City Road

- Monitor for signalization for one year.

Covered Bridge Road & Site Access #1 /Steeplechase Driveway #3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Construct an eastbound left turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & Brookhill Driveway

- Construct a southbound left-turn lane with 100 feet of storage and appropriate taper.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Monitor for signalization for one year.

Covered Bridge Road & Site Access #2

- Construct the southbound approach with one ingress lane and one egress lane striped as a right-turn lane.
- Construct a westbound right turn lane with 50 feet of storage and appropriate taper.

Brookhill Drive & Site Access #3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #9

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Full Build**Covered Bridge & Shotwell Road**

- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
- Extend southbound right-turn lane to 300 feet of storage with appropriate taper.

20. A 30 foot undisturbed buffer will be provided along the northern boundary that abuts the Olde Mill Stream Subdivision. The undisturbed buffer will be supplemented where necessary to provide a Type C buffer.

21. The project will exceed the allowable cul-de-sac length in three (3) locations; but shall not exceed 1200 feet in length, including a branching stem. Appendix D, Section D103, of the adopted North Carolina State Fire Code allows cul-de-sacs to exceed 750 feet with approval. The excess length is due to environmental, topographic, and easement constraints. The extension of the cul-de-sac length will minimize stream crossings and environmental impacts.

22. The detention provided within the drainage area discharging to the point of analysis along the project's property boundary that intersects adjacent property boundaries with NCPINs

176000-44-8293 and 176000-54-1106 will maintain or reduce peak flow rates at the boundary analysis point compared to those of existing peak flow rate calculations for the 1-yr, 10-yr, 25-yr, and 50-yr, 24-hr storm events.

23. Double lined silt fencing will be provided along the grading boundaries along the east side of the property.

24. The following Architectural Standards shall be met:

- Units will be a mixture of one-story, one and one-half stories, and two-story with a variety of elevations. Units of the same elevation shall not be side by side. Exterior color schemes will not be repeated side by side.
- Townhome units shall be limited to no more than three attached units per building.
- All homes will have a combination of two or more of the following materials on the front façade: stone, brick, lap siding, fiber cement siding, shakes or board and batten. Vinyl may be used for soffits, fascia, and corner boards.
- Vinyl siding will not be used on front, side, or rear facades with the exception of trim such as soffits, fascia, and corner boards.
- A minimum of fifty percent of all residential units shall have a covered front porch or stoop.
- Architectural style shingles to used.
- Rear concrete pad/patio will be provided on a minimum of fifty percent of all residential units.
- To accommodate larger garage spaces and façade features, garage doors may constitute more than 50% of the width of the proposed townhomes.

25. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am in agreement with the conditions as they are outlined within this letter.

Print Name

Signature of Applicant

Date

From: [Cynthia Herchenroder](#)
To: [Conrad Olmedo](#)
Cc: [Porter Casey](#); [Andria Archer](#); [Ruth Anderson](#); [Mike Sims](#); [Gretchen Williams](#); [Mayor](#)
Subject: Carolina Overlook North
Date: Friday, March 22, 2024 9:45:03 AM

Be Advised: This email originated from outside of the Town of Clayton's network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

March 21, 2024

Conrad Olmedo
Director
Town of Clayton Planning Board
P.O. Box 879
Clayton, NC 27528

Dear Mr. Olmedo,

We are residents of the Ole Mill Stream community in Clayton and we are writing to you concerning the proposed Carolina Overlook North project.

While Ole Mill Stream is an established community consisting of unique estate homes built on parcels of one acre or more, we do have some concerns regarding the combining of Ole Mill Stream with the proposed Carolina Overlook North. The current proposal connects Michael Way in Ole Mill Stream with the newly proposed Carolina Overlook North making Michael Way a through road into the new neighborhood.

As a community we were given the option of straightening the existing road into our development, Brookhill Road, instead of extending Michael Way into the new neighborhood. We were told that due to an existing easement granted to Ole Mill Stream when the land was purchased that we would have to get 100% of the residents to sign off so that the easement could be released, even though Brookhill Road is now a State road. Of course, trying to get everyone to understand and agree on that is like herding cats and didn't happen.

We are very welcoming of the proposed development that Pulte Group has brought forward but would like to see Brookhill Road straightened so that they can build on the land where the curve is currently and not connect to Michael Way. Is this a decision that can be made by contacting NCDOT?

Thank you in advance for your time and consideration in this matter.

Sincerely,

William and Cynthia Herchenroder
919-243-8158 (home phone)

From: [David Hoyt](#)
To: [Conrad Olmedo](#)
Cc: [Porter Casey](#)
Subject: Ole Mill Stream resident's concerns about proposed Carolina Overlook North development
Date: Friday, March 22, 2024 2:00:40 PM

Be Advised: This email originated from outside of the Town of Clayton's network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Board members,

As residents of Ole Mill Stream and in particular, Michael Way, we are extremely concerned about another development so close to ours. We are a small community of individual, well designed homes on at least one acre of land that have enjoyed privacy and peace for many years. With the proposed Carolina Overlook North, we are being forced to accept that will soon be forever gone. The Pulte Group enticed us with a Plan A option, which I am sure you are all aware of, that would guarantee the residents of Ole Mill Stream a 200 foot, undisturbed buffer and no proposed road or 15-17 houses directly behind the residents of Michael Way as well as no connection to Michael Way. This would be the plan submitted to the town if we were to get 100% of the OMS residents to sign off on a lingering easement that is still in existence after Brookhill Drive had been turned over to the state and the sub division of OMS was complete. More than 77% of the residents were in favor of Plan A, 100% of the residents of Michael Way were in support of Plan A. Pulte knew that 100% signatures would not happen, despite their willingness to work with us to make us believe they wanted this to become a reality. They even admitted at one of our meetings that "this would save them a ton of money."

Now that Pulte Group has submitted their Master Plan, we have several objections and concerns about what they are now proposing. The first being the meager 30' undisturbed buffer behind the homes on Michael Way and the proposed homes and roadway that is less than the required 50' distance from the identified wetlands where this road is proposed. This road is proposed to enter onto Brookhill Drive a very short distance from the busy and dangerous intersection of Michael Way and Brookhill Drive and is almost directly on top of the OMS stone sign. A 30' buffer is unacceptable, houses and a roadway that is proposed to connect to Michael Way is unacceptable.

We feel that an undisturbed buffer of 50 - 75' would be a more fair separation between the 2 developments. Given the fact that the Earp property where Carolina Overlook North is proposed to go, is identified as the last National Heritage Land in the town of Clayton, borders the Neuse River and contains burial grounds of the Tuscora Indian tribe, we do not feel this an unreasonable request. On Pulte's Master Plan they show an Amenity Center for CON. This could be eliminated since there is already one being built in their first phase across Covered Bridge Road, and the 15 - 17 proposed houses could be placed up there. If that was not acceptable then, then the proposed road behind Michael Way could be eliminated, a connection could be made from a road that is proposed down the middle of the development. Since their Master Plan shows three different locations where they have roads going through identified wetlands, their argument about roads and wetlands (their reason why the road is so close to our property) does not ring true. They apparently feel that they can put roads through wetlands and no one would notice it on review of the Master Plan. Also on their Master Plan they show 4 different locations of proposed town house through out the development. We were promised by the representative from Del Webb, Chris Raughley, that ALL townhouses would be confined to the corner of the property that being on the corner of Covered Bridge Road and O'Neil Road. Very misleading and dishonest.

Another big concerns is that they have informed us that they will be widening Brookhill Drive from 21' to 41'. Construction entrances CANNOT be allowed to be on Brookhill Drive at any time during the construction phases of Carolina Overlook North. We have only one way in and one way out of OMS. Construction entrances can easily be put in off Covered Bridge Road just as they are doing currently.

We know a traffic nightmare will undoubtedly become a reality once they add another 1,450 cars to the 1,250 cars we will be dealing with the completion of Carolina Overlook directly across from the intersection of Brookhill Drive and Covered Bridge Road. The two traffic lights at either end of this section

of Covered Bridge Road is only going to make traffic congestion worse at the prime drive times. The people of Michael Way absolutely do not want to have Michael Way connected to CON in any way. We want to remain as separate from their development as possible. Our road is only 20' wide and is barely passable with a garbage truck as it is. Add more delivery trucks that will end up using it as a through-street into the proposed houses behind Michael Way will make it more dangerous. We have three Special Needs residents on Michael Way alone and their safety needs to be taken into account.

It is stated in the Town of Clayton 2045 Comprehensive Growth Plan, on page 23 of the Land Use and Housing section and I quote: "New development should be designed to preserve significant trees, riparian areas, views and environmental constraints such as steep slopes, wetlands and flood plains." All of these apply to this property being considered. Do these goals mean anything to any of you? Do you abide by what the town put forth? If so, please take a close look at what the Pulte Group is proposing and what the impact it will have on many, many people. Scientist have proven that for every mature Growth tree cut down, there are over 1,000 life forms ,crucial to the lives of people are lost forever. Once the raping of the land and deforestation of every tree in our community is gone forever, all that will be left is your conscience.

Please take careful consideration of what you will no doubt be approving once the meeting is adjourned on Monday evening. We want to believe the Pulte Group's many statements of wanting to be "good neighbors" but they have to consider the negative impact they will have on their "neighbors" in Ole Mill Stream once our quality of life is severely impacted and the value of our homes are negatively effected. Without them being held to rework their Master Plan with the request that we are imploring you insist they make, then their "good neighbor" policy is questionable.

Respectfully,

David and Jeanie Hoyt
Michael Way
Ole Mill Stream

Sent from my iPad



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 March 25, 2024

STAFF REPORT

Presentation

Project Name: Downtown Master Plan

Consultant: Dan Lambert, RLA – McAdams Co.

Applicant: Town of Clayton, Planning Department

Request:

A presentation to the Planning Board of the Town of Clayton's new Downtown Master Plan's development, public engagement, and community feedback to date. Feedback from the Planning Board will be incorporated into a final draft of the Downtown Master Plan. At a later date, the Planning Board will then provide a recommendation on the plan to the Town Council, who act on the adoption of the plan.

PROJECT OVERVIEW

On June 28, 2022, the Town of Clayton entered into contract with the John R. McAdams Company, Inc., a consulting firm based out of Charlotte, NC, to provide a new Downtown Master Plan. The new Downtown Master Plan will be replacing the existing Clayton Downtown Master Plan that was originally prepared in August 2001 and most recently updated in October 2010. As such, the new Downtown Master Plan will be bridging the gap from 2010 and provide regulatory, design, and land use guidance for years to come.

Previous presentations on the Downtown Master Plan were given at the February 12th Downtown Development Advisory Board Meeting and the March 4th Town Council Work Session.

This is an informational item and no recommendation from the Planning Board is solicited at this time.



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 March 25, 2024

STAFF REPORT

Project Name: Unified Development Ordinance Text Amendments (UDOTA 1-24)

Consultant: Chad Meadows, AICP – CodeWright Planners

Applicant: Town of Clayton, Planning Department

Request:

A presentation to the Planning Board of the Town of Clayton's Unified Development Ordinance Text Amendments (UDOTA 1-24).

PROJECT OVERVIEW

On November 20, 2023, the Town Council adopted the Town of Clayton Unified Development Ordinance (UDO). The UDO became effective on January 2, 2024 and has been the Town's land use regulatory document since that date. As part of the adoption of the UDO, it was communicated that the UDO would be updated on a reoccurring basis to reflect feedback from its implementation. This first round of UDO Text Amendments consists of 33 topics that comprise technical clarifications, improvements in State law alignment, and staff observations from implementation.

REVIEW CRITERIA

Per UDO Section 2.3.26.G., "the advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Town Council may, but is not required to, consider whether and the extent to which the proposed text amendment:

1. Enhances the public's health, safety, and welfare;
2. Is consistent with the Town's Adopted Policy Guidance;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Addresses an unforeseen matter not present when the Ordinance was adopted;
6. Addresses other factors determined to be relevant by the Town Council; and

7. Would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.”

Staff Commentary: the UDO is a living document that is reflective of lessons learned through daily implementation, community input, and state law compliance. Upon the adoption of the UDO it was understood that text amendments would be an integral part of keeping the UDO relevant. Staff believes that the provided text amendments are reflective of the Clayton community’s input, put forth in the best good faith effort from deliberation amongst staff and the consultant team, and in alignment with keeping Clayton at the forefront of planning’s best practices.

PLANNING BOARD CONSIDERATIONS

- The Planning Board shall make a recommendation regarding the UDO Text Amendments to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- If approved, the Text Amendments will be included as part of a newly revised version of the Town of Clayton’s UDO.
- The Planning Board may recommend the proposed Text Amendments to be modified, altered, added, or removed.

STAFF RECOMMENDATION

Staff recommends approval of the UDO Text Amendments (UDOTA 1-24) per Option 1 in the provided consistency statements sheet, consistent with the 2045 Comprehensive Growth Plan.

ATTACHMENTS:

1. UDOTA 1-24 Tracking Form
2. UDOTA 1-24 Redline Changes
3. Consistency Statements Sheet

UNIFIED DEVELOPMENT ORDINANCE



 C O D I F Y
CLAYTON

Adopted: 11.20.23
Effective: 1.2.24
Amended: 4.15.24



ACKNOWLEDGEMENTS



Town Council

Jody McLeod, Mayor
~~Michael Sims~~ ~~Jason Thompson~~, Mayor Pro Tem
~~Avery Everett~~ ~~Ruth Anderson~~, Councilmember
Andria Archer, Councilmember
Porter Casey, Councilmember
~~Gretchen Williams~~ ~~Michael Sims~~, Councilmember

Planning Board

James Moore, Chair
~~Steven Powers~~, Vice-Chair
~~Jeffrey Spence~~
~~Lisa Begley~~ ~~Derrick Applewhite~~
~~Anita Bland~~ ~~Ethan Bennett~~
~~Jodie Dupree~~
~~Daniel Gleason~~
~~Kevin Lee~~
~~James Lipscomb~~
~~Jeffrey Spence~~
~~Mike Surasky~~
Ronald Williams
~~Kevin Lee~~
~~Ethan Bennett~~
~~James Lipscomb~~
~~Jodie Dupree~~

Codify Clayton Steering Committee

Town of Clayton Planning Board
Marty Bizzell, Chair, Board of Adjustment
Thomas Antoine, Vice-Chair, Board of Adjustment
Rebecca Berry, Member, Board of Adjustment
Jim Perricone, Member, Board of Adjustment

Town Staff

Rich Cappola, Town Manager
Lee Barbee, ~~Interim~~ Deputy Town Manager ~~Fire Chief~~
~~Dolores Gill~~, ~~Deputy Town Manager~~
~~David Ranes~~, ~~Fire Chief~~
~~Anthony Atkinson~~, ~~Deputy Fire Chief/Fire Marshal~~
~~Robert Yarborough~~ ~~Barry Alston~~, ~~Senior Building Codes~~
~~Official~~ ~~Interim Building Inspections Director~~
~~Anthony Atkinson~~, ~~Deputy Fire Chief/Fire Marshal~~

APPENDIX 1. STYLE SET



Joshua Baird, Engineering Director
Patrick Pierce, Economic Development Director
Byron Poelman, Water Resources Director
Allen Turnage, Electric Director
Ethan Poppe, Energy Services Technician
Conrad Olmedo, Planning Director
~~Dede Bumgarner, Development Services Manager & Zoning Administrator~~
Steven Mott, Planner II
Bruce Venable, Planner I

Consultant

CodeWright Planners, LLC
Angela S. Manning, Inc
Timmons Group



UDO AMENDMENTS

UDO AMENDMENTS		
ORDINANCE NUMBER	ORDINANCE DATE	DESCRIPTION
UDOTA 1-24	4.15.24	§1.8.6 No exclusion of TRC members from a TRC meeting §2.2.2 Add conservation subdivisions to the subdivision types table §2.3.12 Clarify exempt subdivisions identified in NCGS §2.3.13 Removal of trail from fee-in-lieu procedure (trails are private and not required like greenways or sidewalks); revise term "sidepath" to "multi-use path" (also changed in §6.10.1 & 8.3) 2.3.24 Clarify that a Town-initiated street renaming does not require a petition §2.3.27 Revise traffic assessment from "shall" require to "may" require §2.3.29 Revise Riparian Buffer provisions to clarify administration by the State, not the Town §2.4.4 Remove the timing requirement from neighborhood meetings, and permit Town staff to attend §3.3.1 Clarify that Type 3 Conditional Rezoning with deviation requests are expected to result in higher quality development §3.3.6 Clarify the default dimensional standards that would apply for higher density residential uses in the CZR district §3.5.1 Remove circular cross reference to conditional zoning districts permitting higher residential densities and clarify that density incentives may be combined in the same development §3.6.8 Clarify that district setbacks are measured from lot lines, not from easements or required landscaping areas §4.5.5.W Clarify that parking of heavy trucks and trailers is prohibited in more than just residential districts §4.5.5.X Clarify that recreational vehicles must be parked on an improved surface §6.5.10 Clarified water extension requirements for single-lot developments §6.5.12.F.6 Add provisions addressing performance guarantees when street stubs can not be extended to property boundaries; also clarify that internal street stubs are not credited as links in the street connectivity index §6.5.12.F.7 Clarify the rules surrounding development entry points §6.5.12.G Move vehicular gates out of private street standards and into its own sub-section; clarify private drives and driveways may have gates §6.5.13 clarified sewer extension requirements for individual developments §6.6.9 Clarified how setbacks are measured if there are conflicts with required landscaping or easements §6.7.1 Clarify that open space set-aside is not required for minor subdivisions and some forms of residential development §6.7.2 Clarifies parkland dedication is not required for minor residential subdivisions §6.10.1 Softens greenway provision requirements for additions and expansions of existing buildings §6.12 Revision of Riparian Buffer rules to clarify the State's responsibility for enforcement §6.13.8.C Clarifies how wall signage is determined for tenants in multi-tenant buildings who rent more than one space in the same building §6.13.9 Clarify that sign supporting structures do not have maximum areas; walls sign measurement is wall sign area per linear foot of building facade §6.14.6 Updates to Soil Erosion & Sedimentation Control provisions (also changed in §7.5.4 & §7.9.1)

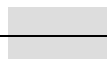


TABLE 2.2.1: APPLICATION TYPES TABLE

Process Type: see [Section 2.2.3, Process Diagrams](#)

Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable

Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal

Type of Public Hearing: () = Legislative; || = Evidentiary

[#] = Table Note (see end of table)

APPLICATION TYPE	UDO SECTION	PROCESS TYPE	PRE-APP. CONF.	TECH. REVIEW COMMITTEE	TOWN STAFF [1]			PLANNING BOARD	TOWN COUNCIL	BOARD OF ADJUSTMENT	SUPERIOR COURT
					BUILDING INSPECTOR	ENGINEERING DIRECTOR	PLANNING DIRECTOR				

NOTES:

[1] Decision-making authority may be delegated in accordance with [Section 8.2.8, Delegation of Authority](#).

[2] Appeals are filed with the North Carolina Commissioner of Insurance.

[3] In cases where a Conditional Rezoning application includes a Concept Plan, the TRC shall review the plan prior to consideration by the Planning Board.

[4] Approval of a Conservation Subdivision also requires approval of a Major Preliminary Plat.

[5] The Engineering Director shall make determinations on matters pertaining to stormwater, erosion control, and infrastructure requirements.

[6] The review authority responsible for making the decision on the associated development application shall also be responsible for making the decision on a Town-mandated Fee-In-Lieu request.

[7] The review authority responsible for making the decision on the associated development application shall also be responsible for making the decision on a Performance Guarantee request. Requests for Performance Guarantees filed after an associated application approval shall be decided by the Planning Director.

[8] Alternative Sign Plan requests shall be reviewed and decided by the Planning Director.

[9] Site Plans that include changes to or extension of public infrastructure shall include construction drawings, which shall be decided by the Engineering Director.

[10] The TRC shall review the Concept Plan prior to consideration by the Board of Adjustment.

[11] The Environmental Management Commission shall decide Major Water Supply Watershed and Riparian Buffer Variance applications.

2.2.2 SUBDIVISION TYPES²

The Subdivision Types Table below identifies the range of subdivision types addressed by this Ordinance, including details on the maximum number of lots that may be created, minimum tract size before division, whether or not the subdivision involves the extension of public infrastructure, and whether or not the lots in the subdivision must comply with the zoning district dimensional standards. Each subdivision process is described in more detail in [Section 2.3, Application Types](#).

² STN 12 - Add reference to conservation subdivision



Chapter 2 Applications

Section 2.2 Application Summary Tables

Sub-section 2.2.2 Subdivision Types

TABLE 2.2.2: SUBDIVISION TYPES TABLE

COMMON SUBDIVISION OR DEVELOPMENT TYPE	NUMBER OF LOTS INVOLVED (#)	INITIAL TRACT SIZE (ACRES)	INVOLVES EXTENSION OF PUBLIC INFRA. (YES/NO)	COMPLIANCE WITH DISTRICT DIMENSIONAL STANDARDS	APPLICATION TYPE [1]	UDO SEC.
<u>Conservation Subdivision</u>	<u>6 or more</u>	<u>N/A</u>	<u>Yes</u>	<u>No</u>	<u>Major Subdivision</u>	<u>2.3.7</u>
Combination/ Recombination [2]	N/A	N/A	No	No	Exempt Subdivision	2.3.12
Court-ordered Subdivision [3]	N/A	N/A	No	No	Exempt Subdivision	2.3.12
10+-Acre Estate Lot Subdivision	[4]	N/A	No	Yes	Exempt Subdivision	2.3.12
Family Subdivision [5] [6]	Up to 2	N/A	No	Yes	Minor Subdivision	2.3.18
Governmental Acquisition	N/A	N/A	No	No	N/A	5.2.5
Limited Subdivision	Max. of 3	5 or more	No	Yes	Limited Subdivision	2.3.16
Major Subdivision [7]	2 or more	N/A	Yes	Yes	Major Subdivision	2.3.17
Minor Subdivision [8]	Up to 5	N/A	No	Yes	Minor Subdivision	2.3.18
Special Purpose Lot / Easement Plat [9]	N/A	N/A	No	No	N/A	3.4.5
Two Acres into Three Lots	Max. of 3	2 or less	No	Yes	Exempt Subdivision	2.3.12

NOTES:

[1] Regardless of the subdivision process type noted in this table, subdivisions that include the extension of public infrastructure shall be reviewed as a Major Subdivision.

[2] Combinations / recombinations that result in lots that do not meet the minimum dimensional standards for the zoning district where located shall be reviewed as a Minor Subdivision.

[3] Lots within a Court-ordered Subdivision are not required to comply with the dimensional requirements for the zoning district where located.

[4] All lots created shall be at least 10 acres in area or larger, otherwise the subdivision shall be reviewed as a Minor or Major Subdivision, based on the number of lots created.

[5] Family subdivisions are subdivisions created for conveyance between husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews and shall be reviewed as an exempt subdivision, a limited subdivision, or a minor subdivision, as appropriate.

[6] May be reviewed as an Exempt Subdivision or a Limited Subdivision, based on the number of lots created.

[7] Minor subdivisions of 6 or more shall be reviewed as a Major Subdivision even if the subdivision does not include the extension of public infrastructure.

[8] Lots must comply with district dimensional standards except for combinations or recombinations of existing lots.

[9] May be accomplished as part of a subdivision establishing new development or as its own Exempt Subdivision.



2.3.12 EXEMPT SUBDIVISION

A. EXEMPT SUBDIVISIONS, GENERALLY³

1. Subdivisions exempted from this Ordinance are identified in [NCGS§160D-802 and Table 2.2.2, Subdivision Types Table](#).
2. The Town may not require a plat for an Exempt Subdivision, but the Register of Deeds may require a plat to record the division of land.
3. Land divided as an Exempt Subdivision is subject to other requirements in this Ordinance, including but not limited to water supply watershed standards, stormwater, and flood damage protection.

B. APPLICATION

Applications for review of an Exempt Subdivision are strictly voluntary and at the discretion of the landowner or subdivider.

C. PROCESS TYPE

Type I (see [Section 2.2.3, Process Diagrams](#)).

D. REVIEW CRITERIA

An application for an Exempt Subdivision shall be decided by the Planning Director in accordance with [Section 2.4.7, Staff Review and Action](#), and the following:

1. GENERALLY

Except for combinations or recombinations, an Exempt Subdivision shall be approved provided it complies with the following:

- a. The plat includes a title block identifying the subdivision as an Exempt Subdivision, and describes what makes the subdivision exempt;
- b. The plat complies with the standards in NCGS§47-30;
- c. The plat is prepared, signed, and sealed by a registered surveyor;
- d. The plat complies with the impervious surface requirements, and the minimum buffer requirements, to the maximum extent practicable, if located within the (WPOD) Watershed Protection Overlay District; and
- e. The plat includes all applicable statements and declarations identified in Chapter 9 of this Ordinance.

2. COMBINATIONS OR RECOMBINATIONS

- a. An Exempt Subdivision consisting of a combination or recombination of lots shall be approved provided it complies with the following:
 - i. The resultant lots comply with the minimum dimensional requirements of the zoning district where located;
 - ii. The total number of lots is not increased;
 - iii. All the metes and bounds boundaries of the affected lots are shown;
 - iv. All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
 - v. The plat complies with the standards in NCGS§47-30;
 - vi. The title block contains the word "Recombination;"
 - vii. The plat is signed by all property owners if either the number of lots is reduced or different owners for different lots are involved in the recombination;
 - viii. The plat is prepared, signed, and sealed by a registered surveyor; and

³ STN22 Clarify that exempt subdivision is explained in NC General Statutes.



2.3.13 FEE-IN-LIEU

A. PURPOSE AND INTENT

This fee-in-lieu procedure creates a uniform process for consideration of Town-mandated or applicant-requested payment of a fee instead of providing required land or infrastructure. The fee-in-lieu process is intended to create flexibility in the provision of required aspects of development when payment of a fee is appropriate and in closer alignment with the Town's adopted policy guidance than the alternative.

B. APPLICABILITY

Payment of a fee-in-lieu may be approved by the Planning Director or the Engineering Director, as appropriate, only for the following forms of development:

1. LAND DEDICATION OR EASEMENT

Payment of a fee-in-lieu of dedication of the land or granting an easement to the Town for the following features:

- a. Public street right-of-way land, including land needed for sidewalks, bike lanes, on-street parking, turn lanes, and ingress or egress into a site;
- b. Park land; and
- c. Greenway ~~or~~ sidewalk ~~or trail~~ right-of-way.⁴

2. PUBLIC INFRASTRUCTURE

Payment of a fee-in-lieu of construction of the following public infrastructure features:

- a. Streets, including on-street parking;
- b. Curb and gutter;
- c. Bicycle facilities; and
- d. Sidewalks, ~~side~~multi-use paths, or greenways.

3. PRIVATE SITE FEATURES

Payment of a fee-in-lieu of inclusion of the following features:

- a. Required open space set-aside; and
- b. Parking lot cross-access.

C. REQUESTS DISTINGUISHED

1. APPLICANT-REQUESTED

In cases where an applicant or developer desires to provide a fee-in-lieu, the process for considering such requests shall be in accordance with this section.

2. TOWN-MANDATED

- a. Town-mandated fee-in-lieu payments are decided by Town staff as part of a Site Plan, Subdivision, or Zoning Compliance Permit application review in accordance with the applicable standards in Section 2.4, Review Procedures.
- b. Notification of the requirement for provision of a fee-in-lieu shall be in writing, and shall be delivered to the applicant or developer prior to the notice of decision on the associated application.

⁴ STN 24 Suggest removing "trails" as these are not required features- they are private. Also, need to clarify the difference between a sidepath, a sidewalk, and a multi-use path.



- b. The potential for the connection of a proposed greenway segment to the Town's greenway or trail network is unlikely within the foreseeable future, in the opinion of Town staff; or
- c. There are suitable alternatives to in close proximity to the proposed site.

4. STREETS

a. TOWN MANDATED

The Town shall require a fee-in-lieu of installation for residential, residential collector, collector, or commercial streets for the length of the street if any of the following criteria are met:

- i. No direct access to the street is proposed;
- ii. The minimum street improvement is one-half of an existing unimproved right-of-way, and improvements, if constructed, would not be used for traffic circulation;
- iii. Where the new street right-of-way is only partially contained on the development site and therefore, construction of only a portion of the new street cross-section is possible;
- iv. The street is a freeway, expressway, or any other fully controlled access facility;
- v. The street is in the Town's Capital Improvement Program, final design plans have been initiated, and the project will fall under the assessment policy of the Town; or
- vi. The street is on NCDOT's Transportation Improvement Program, final design plans have been initiated, and there will be no Town contribution or participation in funding the project. If the Town funds a portion of the project, then a fee-in-lieu of installation will be required as a contribution to Town-funded improvements.

b. APPLICANT PROPOSED

The Town shall consider a fee-in-lieu request for construction of residential, residential collector, collector, or commercial streets if any of the following criteria and their conditions are satisfied:

- i. Where existing unimproved streets have:
 1. Insufficient lineal footage to serve overall traffic circulation purposes or interrupts an existing swale/ditch storm drainage system with curb and gutter, which would disrupt the drainage system operation;
 2. Curb and gutter improvements would not connect to existing curb and gutter, or there are no similar improvements on the same block;
 3. There are no plans for Town improvements on the same block; and
 4. 75 percent or more of the block is already developed such that no future Subdivision or Site Plan submittals are anticipated; or
- ii. Where construction of the streets by the Town or other party is imminent, in the sole opinion of the Engineering Director; or
- iii. Where street construction will not connect to an existing improved street and there are no plans to construct an adjoining street in the near future; or
- iv. Where street construction is impractical due to:
 1. The need for off-site construction or slope encroachment;
 2. Proper street alignment should be determined with off-site development; or
 3. Design of bridges or culverts are required and only a portion of the structure is on the development's property.

5. SIDEWALKS AND ~~SIDE~~MULTI-USE PATHS

- a. The potential for the connection of a proposed sidewalk or ~~side~~multi-use path segment to the Town's sidewalk network is unlikely within the foreseeable future, in the opinion of Town staff; or
- b. There are suitable alternatives to a sidewalk, such as a greenway or trail, in close proximity to the proposed site.



2.3.19 PERFORMANCE GUARANTEE

A. PURPOSE AND INTENT

1. These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a Building Permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Town, and provided funds have been reserved for completion of these features.
2. These provisions ensure that funds are available for the Town's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

B. ELIGIBLE FEATURES

1. Performance Guarantees shall be configured and managed in accordance with the standards in this section. Acceptance of a Performance Guarantee is in the sole discretion of the Town, which is under no obligation to accept a request for or approve a Performance Guarantee for any feature or under any circumstance.
2. Requests for submittal of a Performance Guarantee instead of completion in advance of subdivision approval or Building Permit issuance may be filed with the Town for any of the following public infrastructure elements or private site features:
 - a. Sidewalks, ~~side~~multi-use paths, ~~trails~~, and greenways;
 - b. The final lift of asphalt on a Town-maintained public street;
 - c. Street lights and on-site exterior lighting;
 - d. Active and passive recreation features located within open space set-aside;
 - e. Private stormwater control measures; and
 - f. Placement or replacement of required vegetation, except when required as part of erosion control measures.

C. INELIGIBLE FEATURES

The following forms of public infrastructure may not be subject to a Performance Guarantee, and shall be completed, dedicated to the Town, and inspected prior to conveyance of lots or issuance of a Certificate of Occupancy:

1. Public potable water;
2. Public sanitary sewer;
3. Functional fire protection infrastructure;
4. The base and initial courses of asphalt on a street;
5. Drainage facilities associated with a street right-of-way;
6. Public stormwater control measures;
7. Curb and gutter; and
8. Street signs and traffic control signals.

D. STORMWATER AND EROSION CONTROL FACILITIES

Stormwater control measures and erosion control facilities shall comply with the specific provisions for Performance Guarantees associated with these features in accordance with NCGS§160D-804 rather than the standards in this section.

E. FORM

1. The form of a Performance Guarantee shall take one of the following forms, at the sole discretion of the applicant:
 - a. A surety bond issued by a firm licensed to operate in the State of North Carolina;



2.3.24 STREET RENAMING/ CLOSURE

A. APPLICABILITY

This process for the renaming or closure of streets is applied to publicly-owned or maintained streets operated by the NCDOT or the Town.

B. APPLICATION⁵

1. In cases where the Town initiates an application to abandon an existing or platted street, it shall first file a Resolution of Intent to Abandon the street in accordance with NCGS§160A-299.
2. In cases where an application to rename an existing street is filed by landowners (not the Town) the application shall be supplemented with a petition signed by at least 75 percent of the landowners that are affected by the renaming. The application shall also include the desired street name.
- ~~2.3.~~ A petition is not required for street renaming applications initiated by the Town or another unit of government.
- ~~3.4.~~ Applications for Street Renaming filed by landowners for reasons other than public safety or emergency service delivery shall require a determination of merit by Town staff prior to review by the Planning Board.

C. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams).

D. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 2.4, Review Procedures.
2. The decision shall be one of the following:
 - a. Approve the Street Renaming/ Closure of all or a portion of the street right-of-way;
 - b. Denial of the Street Renaming/ Closure; or
 - c. Remand of the application to the Planning Board for further consideration.
3. In no instance shall the Town Council approve a different street name or extent than requested without new public notification and another public hearing.

E. REVIEW CRITERIA

An application for a Street Renaming/ Closure shall be approved, provided:

1. STREET CLOSURE

- a. Closing of the street is in the best interest of the public; and
- b. A landowner in the vicinity of the street would not be deprived of reasonable ingress or egress to their land.

2. STREET RENAMING

- a. The street renaming is in accordance with all applicable street name requirements;
- b. The street renaming will serve the public interest by enhancing public safety or will do no harm;
- c. The street renaming will not adversely affect land values or cause excessive economic impact to landowners or the Town; and

⁵ STN 31 Clarify that government-initiated renaming does not require a petition



2.3.25 TEMPORARY PERMIT

A. APPLICABILITY

1. The standards in this section apply to non-permanent uses and structures, including temporary signage, that take place on a temporary basis whether on the same site or in different locations in the Town's planning jurisdiction.
2. Temporary uses occurring within the public right-of-way require approval by the Town Council or NCDOT, as appropriate, and are not subject to a Temporary Permit.

B. EXEMPTIONS

Temporary uses or structures operated by the Town or the County for public safety or as part of a sanctioned governmental event shall be exempted from these requirements.

C. PROCESS TYPE

Type II (see Section 2.2.3, Process Diagrams).

D. REVIEW CRITERIA

The Planning Director shall decide applications for a Temporary Permit in accordance with Section 2.4.7, Staff Review and Action, and the following:

1. The applicant has written permission from the landowner, or is otherwise authorized to make use of the land;
2. The applicant has obtained the appropriate permits and approvals from the Town and other agencies;
3. The temporary use meets public utility and Town requirements for proper connection to water, sewer, electrical, and other utility service connections, as applicable;
4. Inclusion of any lighting or electrical service shall be subject to an approved electrical permit;
5. Any habitable structures shall require approval of a Building Permit;
6. The temporary use or activity complies with all applicable provisions in Section 4.6, Temporary Uses;
7. The temporary use does not violate the applicable conditions of approval that apply to a site or use on the site;
8. The proposed site contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting the site's ability to comply with other applicable requirements of this Ordinance;
9. The temporary use is located outside a special flood hazard area;
10. The temporary use provides adequate on-site restroom facilities, if necessary;
11. Adequate provisions for crowd control shall be provided, if necessary, in the sole opinion of the Planning Director;
12. Any signage associated with a Temporary Permit shall comply with the applicable standards in Section 6.13, Signage; and
13. The site of the temporary use shall be cleared of all debris at the end of the temporary use and all temporary structures shall be cleared from the site within five days after the use is terminated.

E. SEQUENCE

Temporary Permits shall be issued prior to issuance for Building Permit for a temporary structure.



2.3.27 TRANSPORTATION IMPACT ANALYSIS

A. PURPOSE AND INTENT

This Transportation Impact Analysis (TIA) procedure allows an assessment of a proposed development's impact on the Town's transportation system. It identifies recommended transportation system improvements to be included by the proposed development as necessary to mitigate any negative impacts created by the proposed development.

B. APPLICABILITY

A Transportation Impact Analysis, prepared in accordance with this section shall be required for any of the following:

1. A new development anticipated to generate 100 or more vehicle trips during any peak hour, or 1,000 or more vehicle trips per day, based on the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual; or
2. A new development that is part of a larger development that, when considered cumulatively, will generate 100 or more vehicle trips during the AM or PM peak hour, or 1,000 or more vehicle trips per day, based on the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual; or
3. The proposed development is located on a roadway that has a demonstrated transportation capacity issue, as determined by the Engineering Director; or
4. There are likely to be significant changes to adjacent development traffic patterns, as determined by the Engineering Director, as a result of the proposed development.

C. TRAFFIC ASSESSMENT OPTION⁶

1. In cases where the number of vehicle trips is not known (such as in the case of a Conventional Rezoning application), or in cases where the proposed uses will not result in 100 or more vehicle trips during any peak hour nor more than 1,000 vehicle trips per day, the Engineering Director ~~shall~~ may require a Traffic Assessment instead of a Transportation Impact Analysis.
2. A Traffic Assessment is a general investigation of anticipated traffic on adjacent roadway capacity and function as opposed to detailed estimates of the number of trips and steps necessary to maintain a minimum operating level of service.

D. APPLICATION

1. The type, scope, and contents of a Transportation Impact Analysis shall be determined during the mandatory pre-application conference (see Section 2.4.3, Pre-Application Conference).
2. A Traffic Impact Analysis shall be prepared by a professional engineer licensed in the State of North Carolina, and shall include all of the following:
 - a. The impact area examined, including the points of access and key streets and intersections to be affected by development;
 - b. Existing traffic volumes;
 - c. Planned and pending street improvements;
 - d. The analysis methodology;
 - e. An inventory of the data used;
 - f. The findings of the analysis; and

⁶ STN 9 change from "shall" to "may"



2.3.29 VARIANCE

A. PURPOSE AND INTENT

The purpose of this Variance procedure is to allow deviations from certain standards of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes provisions for reasonable accommodation of persons with physical disabilities and variances pertaining to the Town's special flood hazard area requirements, water supply watershed protection standards, riparian buffer protection provisions, and stormwater provisions.

B. APPLICABILITY

1. VARIANCE

- a. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
- b. No Variance may be sought for uses not allowed in a zoning district.
- c. No Variance may be sought that increases development density (e.g., units per acre) beyond that allowed in the zoning district where located.

2. REASONABLE ACCOMMODATION

- a. In cases where the strict application of the standards of this Ordinance would deprive an eligible person of their right to equal opportunity to use a dwelling under the federal Fair Housing Act, the person may apply for a Reasonable Accommodation in accordance with this section.
- b. For the purposes of this section, an "eligible person" is a person who meets the definition of a disabled or handicapped person under federal law.
- c. A person recovering from substance abuse is considered a person with a disability or handicap provided they are not currently engaging in the illegal use of controlled substances.

C. VARIANCES DISTINGUISHED⁷

1. In addition to applications for a Reasonable Accommodation, this procedure recognizes the following different forms of Variance, each of which may have unique review processes and criteria:
 - a. Zoning or Subdivision Variances;
 - b. Flood Hazard Overlay Variances;
 - c. Stormwater Variances; ~~and~~
 - ~~d. Riparian Buffer Variances; and~~
 - ~~e.d.~~ Water Supply Watershed Variances.
2. ~~Riparian Buffer Variances shall take the form of a Minor Variance or a Major Variance. A Minor Variance shall be one pertaining to or impacting only Zone Two of the riparian buffer. Major Variances shall pertain to or impact Zone One of the riparian buffer (see Section 6.12, Riparian Buffers, for riparian buffer zone boundaries).~~

⁷ STN4 DEQ indicates that the UDO should not include any detail about riparian buffers since the Town is not designated to enforce the riparian buffer standards.



- f. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning Department.

2. ~~MAJOR RIPARIAN BUFFER OR WATER SUPPLY WATERSHED VARIANCE~~⁸

- a. In the case of a recommendation of approval for a Major ~~Riparian Buffer or Water Supply Watershed Variance~~ by the Board of Adjustment, the application materials, along with the recommendation of the Board of Adjustment established in accordance with sub-section (1) above, shall be forwarded to the North Carolina Division of Water Resources for consideration by the North Carolina Environmental Management Commission.
- b. Denials of a Major ~~Riparian Buffer or Water Supply Watershed Variance~~ application by the Board of Adjustment shall result in the application not being forwarded to the EMC for a final decision.
- c. The final decision regarding a Major ~~Riparian Buffer or Water Supply Watershed Variance~~ shall be made within 90 days of receipt by the North Carolina Environmental Management Commission (EMC) in accordance with all applicable State law. The decision by the EMC shall be one of the following:
- Approval of the Variance application;
 - Approval of the Variance application with additional conditions; or
 - Denial of the Variance application.
- d. Any final decision by the EMC on a Major ~~Riparian Buffer or Water Supply Watershed Variance~~ may be appealed to the Superior Court of the county where located.

G. REVIEW CRITERIA

1. ZONING OR SUBDIVISION VARIANCE

a. REQUIRED FINDINGS

A Zoning or Subdivision Variance application shall be approved subject to a finding the applicant demonstrates all of the following:

- Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
- The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.
- The hardship did not result from actions taken by the applicant or the landowner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the Variance shall not be regarded as a self-created hardship.
- The requested Variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.
- The Variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

b. NOT AVAILABLE AS A BASIS FOR DECISION

None of the following may be used as the basis for approving a Zoning or Subdivision Variance:

- Hardships resulting from factors other than application of the relevant standards of this Ordinance;
- Personal circumstances;

⁸ STN4 DEQ indicates that the UDO should not include any detail about riparian buffers since the Town is not designated to enforce the riparian buffer standards.



- i. The applicant can secure no reasonable use of or return from their property if the provisions of the Ordinance are strictly adhered to;
- ii. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;
- iii. The hardship is due to the physical nature of the applicant's property, such as its location, size, shape, or topography, and compliance with provisions of this Ordinance would not allow reasonable use of the property;
- iv. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;
- v. The Variance is consistent with the general spirit, purpose, and intent of the State law and this Ordinance; and
- vi. In granting the Variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

b. STATUTORY EXCEPTIONS

Exceptions from the 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

- i. When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of SCMs.
- ii. When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of SCMs.
- iii. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.²

4.- RIPARIAN BUFFER VARIANCE

~~a.-A Riparian Buffer Variance shall be approved on a finding that there are practical difficulties or unnecessary hardships that prevent compliance with this Ordinance, and a finding of practical difficulties or unnecessary hardships requires that all of the following standards are met:~~

- ~~i.-If the applicant complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, their property. Merely proving that the Variance would permit a greater profit from the property shall not be considered adequate justification for a Variance;~~
- ~~ii.-Whether the Variance is the minimum possible deviation from the terms of the Ordinance that shall make reasonable use of the property possible;~~
- ~~iii.-The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;~~
- ~~iv.-The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this Ordinance would not allow reasonable use of the property;~~

² STN4 DEQ indicates that the UDO should not include any detail about riparian buffers since the Town is not designated to enforce the riparian buffer standards.



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.29 Variance

- ~~v. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;~~
- ~~vi. The applicant did not purchase the property after the effective date of this Ordinance, and then request a Variance;~~
- ~~vii. The hardship is rare or unique to the applicant's property;~~
- ~~viii. The Variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and this Ordinance; and~~
- ~~ix. In granting the Variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.~~
- ~~b. The North Carolina Environmental Management Commission shall decide a Major Riparian Buffer Variance based on applicable State law.~~

5.4. WATER SUPPLY WATERSHED VARIANCE

- a. A Water Supply Watershed Variance shall be approved on a finding that there are practical difficulties or unnecessary hardships that prevent compliance with this Ordinance, and a finding of practical difficulties or unnecessary hardships requires that all of the following standards are met:
 - i. The applicant can make no reasonable use of or return from their property if the provisions of the Ordinance are strictly adhered to;
 - ii. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;
 - iii. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this Ordinance would not allow reasonable use of the property;
 - iv. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;
 - v. The Variance is in harmony with the general purpose and intent of the State's water supply watershed requirements and preserves the spirit of this Ordinance; and
 - vi. In granting the Variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.
- b. The North Carolina Environmental Management Commission shall decide a Major Water Supply Watershed Variance based on applicable State law.

6.5. REASONABLE ACCOMMODATION

- a. A Reasonable Accommodation application shall be approved on a finding the proposed accommodation:
 - i. Will be used by an individual or individuals with a disability or handicap protected under federal law;
 - ii. Is the minimum needed to provide accommodation; and
 - iii. Is reasonable and necessary.
- b. For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other Town standard, and it will not impose significant financial and administrative burden upon the Town.
- c. For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful improvement of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the Town's planning jurisdiction.



- a. Rezoning, conditional and conventional, which would establish a more dense or intense zoning district or when the Town is annexing land located outside its extraterritorial jurisdiction;
 - b. Street Renaming/Closures;
 - c. Special Use Permits; or
 - d. Variances.
2. Neighborhood meetings for any other kind of application identified in Table 2.2.1, Application Types Table, are optional. However, the Town Council may, by simple majority vote on a motion during a public hearing, require a neighborhood meeting to be conducted before rendering a decision on an application they are deciding.
 3. In cases of a multi-part application that includes two or more portions each requiring a neighborhood meeting, only one neighborhood meeting shall be required prior to the filing of the initial portion of the application.

C. PROCEDURE¹⁰

In cases when a neighborhood meeting is conducted, it shall comply with the following procedures:

1. TIMING

- a. The meeting shall start between the hours of 6PM and 8PM on a weekday.
- b. The meeting shall take place ~~no less than ten days before~~ prior to the application ~~is to be~~ being initially filed with the Town. Nothing shall limit the Town Council from requiring one or more neighborhood meetings be conducted prior to the application being decided.

2. LOCATION

- a. The neighborhood meeting shall take place in a location open to the general public that is as close as possible to the site where development is proposed.
- b. In the event no suitable location open to the general public is available, the meeting may take place at a Town-owned or -operated site, subject to any Town requirements for its use.
- c. Virtual neighborhood meetings may be conducted when conducted in a manner consistent with the Town's policies for virtual meetings.

3. NOTIFICATION

- a. The applicant shall provide notification of the neighborhood meeting via first class mail to all landowners within 300 linear feet of the parcel(s) where development is proposed.
- b. Mailed notice shall be provided no less than ten days prior to the date of the neighborhood meeting.
- c. Landowners are advised that any required public notice of a subsequent development application will be provided in accordance with Section 2.4.8, Public Notice, which may be less than 300 feet from the parcel where development is proposed.
- d. Multiple meetings may take place, but advance notification for each meeting shall be provided in accordance with this subsection.

4. INFORMATION PROVIDED

The applicant shall provide the following in the neighborhood meeting invitation:

¹⁰ STN 6 – Staff wants flexibility to attend meetings and more flexibility on meeting timing.



- a. The purpose of the meeting;
- b. A description of the proposed development;
- c. The time, date, and location of the meeting;
- d. Telephone and email contact information for the applicant or applicant's representative; and
- e. Any additional information that would promote understanding of the development proposal.

5. CONDUCT OF MEETING

At the meeting, the applicant shall explain the development proposal and the proposed application, respond to questions and concerns attendees raise about the application, and propose ways to resolve conflicts and concerns.

6. STAFF ATTENDANCE¹¹

Town staff ~~shall not~~ may attend a neighborhood meeting but only in a professional capacity as a source of information about Town policy or requirements. Nothing shall limit a Town staff member from attending a neighborhood meeting as an interested citizen.

7. WRITTEN SUMMARY

The applicant shall submit a written summary of each neighborhood meeting, accompanied by copies of what was presented. At a minimum, the written summary shall include all of the following:

- a. A list of all parties and mailing addresses who were mailed a meeting notice;
- b. Written proof of mailing provided in accordance with Section 2.4.4C.3, Notification;
- c. A copy of the meeting notice;
- d. A sign-in sheet of meeting attendees; and
- e. A list of the items discussed, including any questions posed by attendees and the answers provided.

2.4.5 APPLICATION FILING

A. AUTHORITY TO FILE APPLICATIONS

1. Unless expressly stated otherwise in this Ordinance, development applications reviewed under this Ordinance shall be filed by the landowner, a contract purchaser with the owner's consent, or other person having a recognized property interest in the land on which development is proposed with the owner's consent.
2. Some applications (e.g., conditional rezoning) must be filed by all landowners, as required in Section 2.3, Application Types.
3. Third-party applications to downzone land shall be prohibited.

B. APPLICATION FORMS

The Town shall establish development application forms, which shall be maintained by the Planning Director. Applications may only be completed on the forms provided by the Town.

C. APPLICATION FEES

1. The Town Council shall establish application fees in its Comprehensive List of Fees and Charges which may be updated at the sole discretion of the Town Council.
2. Full payment of the required application fees shall take place concurrent with filing the application.

¹¹ STN6 Permit staff to attend neighborhood meetings.



- c. The ways in which approval of the less restrictive condition(s) will result in development that is in closer alignment with the provisions in [Section 1.7, Purpose and Intent of Ordinance](#), and the Town's adopted policy guidance; and
- d. Applicants are strongly encouraged to provide mitigation for any potential negative impacts anticipated to result from proposed conditions that are less restrictive than the applicable requirements.

E. CONCEPT PLANS ASSOCIATED WITH A TYPE 3 CONDITIONAL REZONING

1. GENERALLY

A Concept Plan, prepared in accordance with this section, shall be provided with an application for a Type 3 Conditional Rezoning application (see [Section 2.3.6D, Application](#)).

2. PREPARATION

A Concept Plan shall be prepared by a professional engineer, a licensed architect, or a licensed landscape architect.

3. CONTENTS

All Concept Plans shall include the following:

- a. The general location of individual development areas, identified by land use(s) and/or development density or intensity;
- b. The general configuration and relationship of the principal elements of the proposed development, including general building types;
- c. Identify, for the entire district and each development area, the acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity (floor area square footage);
- d. The general location, amount, and type (whether designated for active, passive, or gathering area) of open space set-aside;
- e. The location of environmentally sensitive lands, wildlife habitat, and resource protection lands;
- f. The on-site transportation circulation system, including the general location of all streets, existing or projected transit service, pedestrian, and vehicular circulation features, and how they will connect with existing and planned systems;
- g. The general location of on-site potable water and wastewater facilities, and how they will connect to existing systems;
- h. The general location of on-site stormwater control measures, and how they will connect to existing public systems;
- i. The general location of all other on-site public facilities serving the development, including but not limited to parks, schools, bus shelters, and facilities for fire protection, police protection, EMS, and solid waste management; and
- j. The applicable dimensional standards, including consistency with the conditional zoning district dimensional requirements or any requested deviations.

4. DEVIATIONS OR REDUCTIONS¹²

- a. Applicants seeking a Type 3 Conditional Rezoning that includes a request for a deviation or reduction from the generally applicable Ordinance standards are responsible for demonstrating, in the concept plan or related application materials, that

¹² STN10. Added to reflect that Type 3 conditional rezonings with deviations need to be a higher quality than would result from a strict application of the standards.



the proposed development will result in a higher quality development than would otherwise result from strict compliance with the standards. Alternatively, the applicant shall demonstrate how the proposed development with the requested deviations will result in a development that is in closer alignment with the Town's adopted policy guidance than would otherwise result from a strict application of the standards.

a.b. Concept Plans shall clarify the degree to which the development depicted in the Concept Plan will or will not comply with all applicable standards in Chapter 6, Standards.

b.c. In cases where the application seeks a deviation from the applicable standards, the Concept Plan shall clearly identify all deviations in both narrative and graphic forms.

c.d. It is insufficient to simply prepare a plan that depicts a building or site configuration that deviates from the applicable standards. Deviations from standards must be clearly noted and described in terms of their scope. Language in the narrative must match or be consistent with visual representations and vice versa.

5. PRINCIPAL AND SECONDARY USES

- a. The Concept Plan shall include a list of proposed principal and secondary uses.
- b. It is insufficient to reference the table of common principal or secondary uses; Concept Plans shall list all potential allowable uses.
- c. Uses that are not listed in a Concept Plan and proposed after its approval shall be considered unlisted uses subject to the process identified in [Section 2.3.9, Determination](#).

6. PHASING

If development in conditional zoning district is proposed to be phased, the Concept Plan shall include phasing details or a phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the Town's capital improvements program.

7. CONSISTENCY

All Subdivisions, Site Plans, and Zoning Compliance Permit applications shall be substantially consistent with the approved Concept Plan. A Concept Plan may only be modified in accordance with [Section 2.3.6O, Amendment](#).

8. LIMITATIONS ON REDUCTIONS

In no instance shall any of the following standards in this Ordinance be waived or reduced as part of an application for a conditional rezoning:

- a. Any of the applicable overlay district standards in [Section 3.7, Overlay Zoning Districts](#);
- b. The maximum allowable residential density, unless the landowner complies with the applicable provisions in [Section 3.5, Incentives and Alternatives](#);
- c. Any applicable conservation subdivision standards in [Section 2.3.7, Conservation Subdivision](#);
- d. Any use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#);
- e. Any of the standards applicable in [Section 4.4, Prohibited Uses](#);
- f. Any applicable standards in [Section 6.5, Infrastructure](#); and
- g. Any applicable standards in [Section 6.15, Stormwater](#), and [Section 6.12, Riparian Buffers](#).



Chapter 3 Districts

Section 3.3 Conditional Zoning Districts

Sub-section 3.3.6 (CZR) Conditional Residential

3. In no instance shall a principal or secondary use that is not listed in the MXD or CZM columns of the appropriate table be permitted within a CZM District.

D. USE-SPECIFIC STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the use-specific standards in Section 4.3, Standards for Specific Principal Uses, or Section 4.5.5, Standards for Specific Secondary Uses, as appropriate shall apply to development in a CZM District.

E. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZM district. Type 3 Conditional Rezoning applications shall comply with the standards in Section 3.3.1E.8, Limitations on Reductions.

3.3.6 (CZR) CONDITIONAL RESIDENTIAL

A. PURPOSE AND INTENT

The Conditional Residential (CZR) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within the RHD, RLL, RLD, RMD, RMF, or RUR conventional zoning districts. The CZR District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's goals for industrial development than would result from a strict application of the standards applicable in the RHD, RLL, RLD, RMD, RMF, or RUR districts.

B. DIMENSIONAL STANDARDS

1. Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.15, (RMD) Residential Medium Density shall apply to single-family detached, bungalow courts, pocket neighborhoods, conservation subdivisions, duplex dwellings development within a CZR District.
2. Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.16, (RMF) Residential Multi-Family, shall apply to single-family attached, multi-family, triplex, and quadplex, live/work, and upper-story residential dwellings within a CZR district.¹³

C. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the RHD, RLL, RLD, RMD, RMF, RUR, or CZR columns of the table in Section 4.2.5, Listing of Common Principal Uses.
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the RHD, RLL, RLD, RMD, RMF, RUR, or CZR columns of the table in Section 4.5.4, Listing of Common Secondary Uses.

¹³ STN 17. Need to clarify how density framework can be established for multi-family development in the CZ district.



- D. Signage provisions shall be applied to individual lots and uses unless subject to a uniform sign plan in accordance with [Section 2.3.20F.2, Uniform Sign Plan](#).

3.5 INCENTIVES AND ALTERNATIVES

3.5.1 DENSITY

Unless otherwise indicated in this Ordinance, the maximum residential density for a conventional or conditional zoning district may be increased beyond the amount identified in [Section 2.3.8, Conventional Rezoning](#), and [Section 3.3, Conditional Zoning Districts](#), only in accordance with the following:

- A. [Configuration of a residential subdivision as a conservation subdivision in accordance with \[Section 2.3.7, Conservation Subdivision\]\(#\)](#).
- ~~A.B.~~ Provision of sustainable development features in accordance with [Section 6.17, Sustainable Development Incentives](#);
- ~~B.C.~~ Voluntary compliance with [Section 6.2.6, Single-Family Residential Design Guidelines](#), as applied to a single-family detached [use dwelling](#), [a single-family attached dwelling](#), a duplex, [triplex, or quadplex](#) -use, or ~~a single-family attached dwelling~~; ~~and~~; ~~or~~
- ~~C.D.~~ [Approval of a Type 3 conditional zoning district application in accordance with \[Section 2.3.6, Conditional Rezoning\]\(#\)](#) [Density increases resulting from provision of sustainable development features and voluntary compliance with design guidelines may be combined within the same development](#).¹⁴

3.5.2 DIMENSIONAL STANDARDS

Required dimensional standards on lots in conventional, conditional, or overlay districts may be reduced or revised in accordance with the following:

- A. [Section 2.3.1, Administrative Adjustment](#);
- ~~A.B.~~ [Section 2.3.7, Conservation Subdivision](#);
- ~~B.C.~~ [Section 6.17, Sustainable Development Incentives](#); or
- ~~C.D.~~ [Section 2.3.29, Variance](#).

3.5.3 ALTERNATIVE MEANS OF COMPLIANCE

- A. Principal and secondary structures and uses may encroach into required setbacks in accordance with [Section 3.6.9, Setback Encroachments](#).
- B. Deviations or exceptions to maximum building height provisions are permitted in accordance with [Section 3.6.4D, Exceptions](#).
- C. Alternative site access to single-family detached and duplex dwellings may be established in accordance with [Section 6.1.4D.5, Alternative Access](#).
- D. Alternatives to landscaping and screening requirements may be proposed in accordance with [Section 6.6.10C, Alternative Landscape Plans](#).
- E. Alternative off-street parking facilities may be provided in accordance with [Section 6.9.8, Parking Flexibility](#).
- F. Alternative signage configuration may be proposed in accordance with [Section 2.3.20K, Alternative Sign Plan](#).

¹⁴ STN 18. Remove circular reference and clarify density bonuses may be stacked.



3.6.8 SETBACKS

A setback is the horizontal distance from a lot line or street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line. Setbacks are measured from lot lines, not easements or required landscaping areas; however, limitations on uses, structures, or plantings in easements or required landscaping areas still apply, regardless of required setbacks.¹⁵

A. PERIMETER SETBACK

Setbacks applied to unified developments or multiple building developments or two or more lots apply only to the outermost buildings along the perimeter of a development. A perimeter setback does not apply along streets, where the minimum or maximum required street setback shall prevail.

B. REAR SETBACK

A setback from an interior lot line lying on the opposite side of the lot from the street setback.

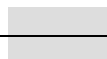
C. SETBACKS FROM RAILROADS OR SIDINGS

Lots serving industrial or commercial uses and abutting a railroad or railroading siding are not required to provide a side or rear setback from the railroad or siding.

D. SIDE SETBACK

Any interior property line setback other than a rear setback.

¹⁵ STN25 Clarify where setbacks are measured from. Note there still needs to be continued discussion regarding instances where utility easements or landscape buffers combine to render a lot as unbuildable (because they occupy a significant portion of the lot).



Chapter 3 Districts

Section 3.7 Overlay Zoning Districts

Sub-section 3.7.2 FPOD Flood Protection Overlay District

effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

iv. TANK INLETS AND VENTS

Tank inlets, fill openings, outlets and vents shall be at or above the regulatory flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood, and anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

j. OTHER DEVELOPMENT

- i. Fences in regulated floodways and non-encroachment areas that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 6.3, Fences and Walls.
- ii. ~~Retaining walls, sidewalks and driveways in regulated floodways and non-encroachment areas.~~ Retaining walls, greenways, multi-use paths, trails, and sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3.7.2B.5, Floodways and Non-Encroachment Areas.

k. ROADS AND WATERCOURSE CROSSINGS

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways or non-encroachment areas shall meet the limitations of Section 3.7.2B.5, Floodways and Non-Encroachment Areas.

3. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the special flood hazard areas designated as Approximate Zone A and established in Section 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas, where no base flood elevation data has been provided by FEMA, the following provisions, in addition to the provisions of Section 3.7.2B.1, General Standards, shall apply:

- a. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. The base flood elevation used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - i. When base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with standards in Section 3.7.2B.1, General Standards, and Section 3.7.2B.2, Specific Standards.
 - ii. When floodway or non-encroachment data is available from a federal, state, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 3.7.2B.2, Specific Standards, and Section 3.7.2B.5, Floodways and Non-Encroachment Areas.
 - iii. All subdivision, manufactured home park, and other development proposals shall provide base flood elevation data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such base flood elevation data shall be adopted by reference in accordance with Section 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas, and utilized in implementing this section.

Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

P = Permitted, subject to a Zoning Permit & applicable use standards
 S = Permitted, subject to a Special Use Permit & applicable use standards
 C = Permitted within a conditional zoning district, subject to applicable use standards
 "•" = Prohibited
 [#] = Table note (see end of table)

USE TYPE	CONVENTIONAL RESIDENTIAL DISTRICTS						CONVENTIONAL NON-RESIDENTIAL DISTRICTS							SPECIAL DISTRICTS			CONDITIONAL DISTRICTS					USE STANDARDS		
	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNT	DTNN	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD		CZI	
Outdoor Commercial Recreation	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	C	-	C	4.3.92	
Packaging and Shipping	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	-	C	C	C	C	-	
Parking Lot	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	4.3.97	
Parking Structure	-	-	-	-	-	-	-	P	S	S	-	-	-	-	-	-	-	-	-	C	C	-	4.3.98	
Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	4.3.99	
Pharmacy	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	4.3.100	
Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	4.3.104	
Repair Shop	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	-	C	C	C	C	4.3.107	
Restaurant Indoor and Outdoor Seating	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	4.3.110	
Restaurant Indoor Seating Only	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	-	
Restaurant Walk-up Service Only	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	-	
Restaurant with Drive Through	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	C	C	C	-	4.5.5K	
Retail, General	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	-	C	C	C	C	4.3.111	
Retail, Large Format	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	C	-	C	4.3.112	
Retail, Micro	-	-	-	-	-	P	-	P	P	P	P	P	-	-	-	P	-	C	C	C	C	C	4.3.113	
Sexually-Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	4.3.118	
Storage, Indoor and Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-P	-	-	-	-	-	-	-	-	-C	4.3.124	
Storage, Indoor Only	-	-	-	-	-	-	-	-	-	-	-	-	-P	-	-	-	-	-	-	-	-	-C	4.3.123	
Tanning Salon	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	
Tattoo & Piercing Establishment	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	-	C	-	C	C	4.3.126
Theatre, Indoors	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	-	
Theatre, Outdoors	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	C	-	-	4.3.129	
Tobacco, CBD, and Vapor Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	4.3.130	
Vehicle Painting/ Bodywork	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	C	4.3.136	
Vehicle Parts and Accessory Sales	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	C	-	-	4.3.137	



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

P = Permitted, subject to a Zoning Permit & applicable use standards
S = Permitted, subject to a Special Use Permit & applicable use standards
C = Permitted within a conditional zoning district, subject to applicable use standards
"•" = Prohibited
[#] = Table note (see end of table)

USE TYPE	CONVENTIONAL RESIDENTIAL DISTRICTS						CONVENTIONAL NON-RESIDENTIAL DISTRICTS								SPECIAL DISTRICTS			CONDITIONAL DISTRICTS					USE STANDARDS
	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNT	DTNN	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD	CZI	
Recycling Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	C	4.3.105
Research and Development	-	-	-	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	C	C	C	C	
Salvage and Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	4.3.114
Transfer Station		-	-	-	-	-	-	-	-	-	-	-	-		-	-	P	-	-	-	-	C	4.3.131
Warehouse, Distribution or Storage	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	-	C	4.3.144
Wholesale Sales, Indoor and Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	-	C	4.3.145
Wholesales Sales, Indoor Only	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	-	C	
Wind Energy Conversion	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	4.3.146
INSTITUTIONAL USE CLASSIFICATION																							
Adult Day Care	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	P	-	C	C	C	C	C	4.3.3
Antenna Collocation, Major	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	-	C	C	C	C	4.3.10
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	C	C	C	C	C	4.3.11
Arboretum or Formal Garden	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	P	C	C	C	C	-	
Athletic Field or Court	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	P	P	C	C	C	-	-	
Auditorium, Coliseum, Convention Center	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-	P	-	C	C	C	-	4.3.14
Broadcasting Studio	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	P	-	-	-	C	-	
Bus Station	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	P	P	C	C	C	C	C	
Cemetery or Mausoleum	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	C	-	C	-	-	4.3.27
Child Day Care	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	P	-	C	C	C	C	C	4.3.29
College or University	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	P	-	C	C	C	-	
Community Center	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	P	-	C	C	C	C	-	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	P	P	C	C	C	C	-	
Community Recreation Facility (private)	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	P	-	C	C	C	C	-	
Fire/EMS/ Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	C	C	C	C	C	4.3.50
Fraternal Club or Lodge	-	P	P	P	P	-	P	-	-	-	-	-	-	-	-	P	-	C	C	C	C	C	4.3.53
Golf Course (public or private)	P	P	P	P	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	C	-	-	



Chapter 4 Land Uses

Section 4.3 Standards for Specific Principal Uses

Sub-section 4.3.28 Check Cashing /Pay Day Lending

- A. New cemeteries shall be located on a site or parcel with an area of at least two acres; this standard shall not apply to existing cemeteries or the expansion of existing cemeteries;
- B. New cemeteries shall be located on a site or parcel that fronts a collector or higher classification street; this standard shall not apply to existing cemeteries or the expansion of existing cemeteries;
- C. Cemeteries shall include drive aisles or vehicular accessways of at least 12 feet in width or greater as needed for the parking and maneuvering of funeral processions; and
- D. Interments shall take place at least 25 feet from any lot line and comply with all applicable requirements of the North Carolina General Statutes.

4.3.28 CHECK CASHING /PAY DAY LENDING

Check cashing establishments and pay day lending uses shall comply with the following standards:

- A. Such uses shall not include a drive through window or drive-up service;
- B. No products shall be offered for retail or wholesale sale; and
- C. In no instance shall the use be configured with outdoor gathering areas or locations where persons may gather outdoors when not engaged in transactions with the use.

4.3.29 CHILD DAY CARE

Child day care centers shall comply with the standards for licensure in Article 7, Chapter 110, of the North Carolina General Statutes, as well as the Summary of North Carolina Child Care Laws and Rules pamphlet, as amended, prepared by the NC Department of Health and Human Services.

- A. The use shall not permit overnight accommodation of patrons;
- B. The use shall include a fenced outdoor gathering area of at least 25 square feet per patron receiving care;
- C. The use includes a pick-up and drop-off area that allows patrons to enter and exit vehicles without crossing a parking lot or vehicular accessway;
- D. The pick-up and drop-off area shall not be located within a required yard or landscaping area;
- E. The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards; and
- F. A child day care shall provide a Type C perimeter buffer configured in accordance with Section 6.6.12, Perimeter Buffers, along all lot lines that abut a residential district.

4.3.30 COFFEE SHOP OR BAKERY¹⁶

~~A. To assure provision of adequate parking, the maximum amount of seating and/or square footage of the public floor area for a coffee shop or bakery in a multi-tenant building shall be specified at the time of site plan approval;~~

- ~~B.~~ **A.** Except in the Downtown district, a coffee shop or bakery in its own principal building shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential district; and
- ~~C.~~ **B.** Coffee shops or bakeries with outdoor seating or gathering areas shall comply with the standards in Section 4.5.5T, Outdoor Dining or Seating.

4.3.31 COMMUNITY CENTER

- A. The main entrance to the lot or site shall be served or have direct access to a collector or higher classification street;
- B. Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district;
- C. Community centers proposed in residential districts shall be on a lot of at least two acres in area;

¹⁶ STN 31 clarify why special parking standards are applied to coffee shops and bakeries



Chapter 4 Land Uses

Section 4.5 Secondary Uses

Sub-section 4.5.1 Establishment of a Secondary Use

9. Bulk storage of flammable or hazardous liquids;
10. Funeral homes and mortuaries; and
11. Animal hospitals, boarding of animals as a commercial enterprise, and kennels operated as a commercial enterprise.

4.5 SECONDARY USES

4.5.1 ESTABLISHMENT OF A SECONDARY USE

- A. Secondary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No secondary use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.
- B. Except when indicated as a special use or a conditional [zoning district](#) use in Table 4.5.4, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a Zoning Compliance Permit in accordance with [Section 2.3.31, Zoning Compliance Permit](#).
- C. In cases where a secondary use or structure is identified as a special use in Table 4.5.4, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a Special Use Permit in accordance with [Section 2.3.22, Special Use Permit](#).
- D. In cases where a secondary use or structure is identified as a conditional use in Table 4.5.4, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a conditional rezoning in accordance with [Section 2.3.6, Conditional Rezoning](#). Applications to establish a conditional zoning district shall include a written list of proposed secondary uses which shall be attached to the application approval along with other conditions of approval.
- E. [Section 4.5.4, Listing of Common Secondary Uses](#), may not be inclusive of all possible secondary uses, and in the event a secondary use is proposed that is not listed in the table, the Planning Director shall consult Table 4.2.5, Listing of Common Principal Uses, to determine if the proposed secondary use corresponds to a listed principal use. Any listed principal use is permitted as a secondary use in any zoning district where the principal use is permitted. In no instance shall a secondary use be permitted in a zoning district where it is prohibited as a principal use.
- F. In the event a proposed secondary use is not listed in Table 4.5.4, Common Secondary Use Table, and there is no corresponding principal use, the Planning Director shall determine how to treat the secondary use in accordance with [Section 4.7, Unlisted Uses](#).

4.5.2 INTENT OF THESE STANDARDS

This section authorizes the establishment of secondary uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of secondary uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.5.3 GENERAL STANDARDS FOR ALL SECONDARY USES

Secondary structures may deviate from these general standards and the specific standards in [Section 4.5.5, Standards for Specific Secondary Uses](#), only where expressly authorized by this Ordinance, as part of an approved Variance or Administrative Adjustment, are subject to conditions of approval associated with a type 3 Conditional Rezoning, or are configured in accordance with [Section 3.5, Incentives and Alternatives](#).



Chapter 4 Land Uses

Section 4.5 Secondary Uses

Sub-section 4.5.5 Standards for Specific
Secondary Uses

3. WITHIN A PARKING LOT

Outdoor display/sales areas located within a parking lot of a principal use shall comply with the following standards:

- a. Outdoor display/sales area shall not occupy a required parking or landscaping area.
- b. Outdoor display/sales areas shall not be located in ways that interfere with loading or on-site circulation of vehicles or pedestrians.
- c. Outdoor display/sales areas shall not include signage that is legible from off-site areas.
- d. Display areas that are inaccessible to the public are considered outdoor storage.
- e. Outdoor display/sales areas in parking lots shall comply with the dimensional requirements for the district where located.

4. ON A PUBLIC SIDEWALK

Outdoor display/sales area proposed on a public sidewalk shall comply with all applicable standards in this section and the following:

- a. Outdoor display/sales areas on a public right-of-way shall require an encroachment agreement with the Town.
- b. Products, merchandise, and display structures 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 situations. The Town is not responsible for damage to the merchandise under any circumstances.
- c. The owner or operator of the principal use displaying or selling merchandise within a public sidewalk shall be responsible for repairing any incidental damage to public sidewalk resulting from outdoor display/sale.

V. OUTDOOR STORAGE

Outdoor storage as a secondary use shall comply with the standards in [Section 4.3.124, Storage, Outdoor \(as a Principal Use\)](#).

W. PARKING OF HEAVY TRUCKS OR TRAILERS¹⁷

1. The parking or storage of motorized vehicles in excess of 10,000 pounds of gross vehicle weight, or with more than two axles, shall be prohibited ~~in all residential districts~~ [in accordance with Table 4.5.4, Listing of Common Secondary Uses](#), except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes.
2. The parking or storage of non-motorized vehicles with more than two axles shall be prohibited in all residential districts except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes.
3. In no instance shall a non-motorized vehicle have an overall length exceeding 22 feet not including the tongue or towing assembly.
4. No apparatus designed to be used as a motor vehicle or designed to be towed by a separate motorized unit or vehicle shall be used for the purposes of storage in any residential district.

¹⁷ STN 8 Staff wanted clarity that heavy trucks not just prohibited in residential districts.



Chapter 4 Land Uses

Section 4.5 Secondary Uses

Sub-section 4.5.5 Standards for Specific
Secondary Uses

X. PARKING OF RECREATIONAL VEHICLES¹⁸

1. No recreational vehicle (RV) shall be used as a permanent residence or business.
2. Nothing in this section shall preclude a RV owner from parking the RV on a parcel of land they own provided the RV is not used as an occupied dwelling or business.
3. Recreational vehicles shall meet the setbacks of a single-family dwelling in the zoning district in which it is located.
4. ~~The An~~ RV shall be parked on an improved surface of asphalt, concrete, gravel, or other all-weather surface suitable for vehicular parking. RV parking areas shall comply with all applicable driveway standards in Section 6.1.4, Driveways. ~~shall not be located between a principal structure and a street.~~
5. Sewer or water connections are not permitted.
6. Any source of electricity must be solely intended for the RV and be on the same parcel of land as the RV.
7. Removal of wheels of a recreational vehicle except for temporary repairs shall be prohibited.
8. Any RV subject to these standards must be road ready and capable of moving within 24 hours.
9. These standards shall not apply to RVs located within a lawfully established and operating recreational vehicle park.

Y. PLAY EQUIPMENT

1. Play equipment shall comply with the setback requirements for the zoning district where located, though it may encroach into setbacks in accordance with Section 3.6.9, Setback Encroachments.
2. In no instance shall play equipment be located between the front façade of a residential dwelling and the street it faces in cases where the lot or tract is two acres or less in area.

Z. PRIVATE STABLES

Stables shall comply with the following standards:

1. Stables are not permitted on land within the corporate limits;
2. The land on which the facility is located shall be at least two acres in size;
3. No stalls or stables shall be within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining well being used for human consumption; and
4. Stables must be operated and maintained in a healthy and safe manner. "Healthy and safe" is defined as, but not limited to: fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.

AA. PRODUCE STAND

The sale of fresh vegetables and produce from curbside stands or in a similar fashion shall:

1. Be located on the same lot as a principal use;
2. Be limited to retail sale of agricultural or horticultural products grown on-site or in agricultural facilities under the same ownership as the produce stand;
3. Be located outside public street rights-of-way, sight distance triangles, or other areas that may result in visual obstructions to drivers;

¹⁸ STN16 concern over enforcement. Revised to remove provisions pertaining to location in favor of standards for parking areas to be improved.



B. CONNECTION TO PUBLIC POTABLE WATER SYSTEM²⁰

1. WITHIN THE CORPORATE LIMITS

- a. Each new development and each lot in all major subdivisions within the Town's corporate limits, and each development and lot in all major subdivisions in the extraterritorial jurisdiction located within a specified distance of an existing or approved but not yet constructed public potable water system shall be connected, at the developer's expense to the Town's potable water system. Mandatory connections to the public potable water system shall be in accordance with Table 6.5.10, Mandatory ~~Sewer~~ Water System Connection Required.

TABLE 6.5.10: MANDATORY WATER SYSTEM CONNECTION REQUIRED	
NUMBER OF LOTS PROPOSED TYPE OF DEVELOPMENT	MAXIMUM DISTANCE FROM EXISTING <u>PUBLIC WATER SYSTEM</u> BEFORE WATER SYSTEM CONNECTION IS NO LONGER REQUIRED (FEET) [1]
<u>SINGLE-FAMILY DETACHED RESIDENTIAL SUBDIVISION (BY # OF LOTS)</u>	
56 -20	300
21-50	500
51-100	1,000
More than 100	Connection is mandatory regardless of distance
<u>ALL OTHER RESIDENTIAL SUBDIVISIONS, NON-RESIDENTIAL DEVELOPMENT, AND MIXED-USE DEVELOPMENT</u>	
<u>1 or more lots</u>	<u>1,000 [2]</u>
NOTES:	
[1] Measured from closest point of proposed development to the existing or approved but not yet constructed public potable water system.	
<u>[2] If connection to a public potable water system is required, connection to the public sewer system is also required.</u>	

- b. In the event a ~~development~~ single-family detached residential subdivision has 100 or fewer lots and is farther from an existing water system water supply source than the maximum distance required in Table 6.5.10, Mandatory Water System Connection Required, the applicant may choose to connect the development to the public potable water supply system, but such connection is voluntary and is not required.
- ~~b.c.~~ In the event a subdivision other than one devoted to single family detached residential development, a non-residential development, or a mixed-use development is farther from an existing water system water supply source than the maximum distance required in Table 6.5.10, Mandatory Water System Connection Required, the applicant may choose to connect the development to the public potable water supply system, but such connection is voluntary and is not required.

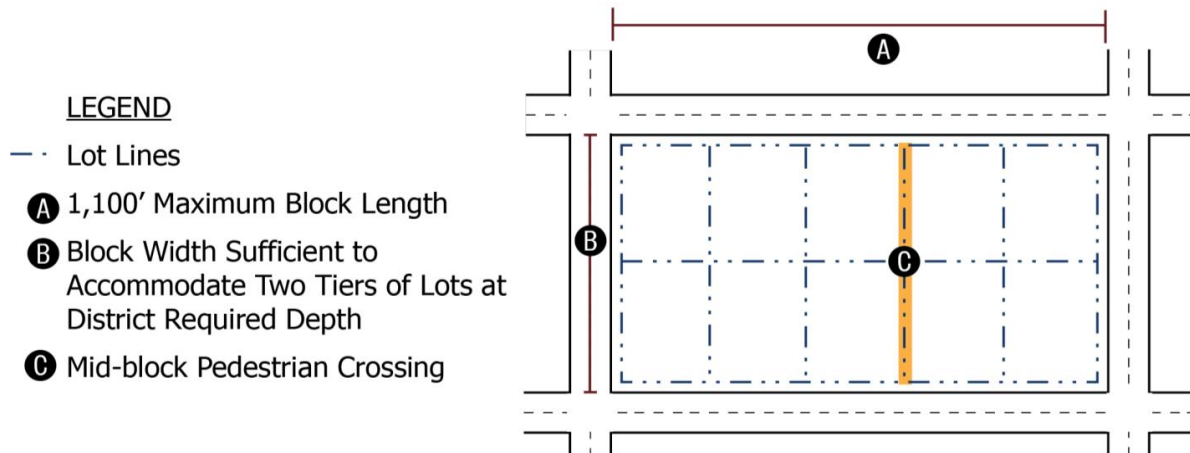
2. OUTSIDE THE CORPORATE LIMITS

- a. Where a new development or a proposed major subdivision located in the Town's extraterritorial jurisdiction and is located within a specified distance from an existing or approved but not yet constructed public potable water supply system, the applicant shall, at the applicant's expense, connect the development or subdivision lots to the

²⁰ STN 7 - Clarify how mandatory connection provisions apply to developments other than residential subdivisions



FIGURE 6.5.12.F.4: BLOCK CONFIGURATION



5. STREET CONTINUATION²¹

- a. Whenever a street within a new subdivision or development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the subdivision or development boundaries at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the development.
- b. The arrangement of streets in a subdivision or development shall provide for the alignment and continuation of existing or proposed streets into adjoining undeveloped lands or in cases where adjoining lands are developed but include opportunities for such connections.
- c. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands.
- d. In cases where a street stub cannot be continued to the property boundary because an adjacent landowner will not permit access onto the adjacent property to establish the street stub, the entity responsible for providing the street stub shall:
 - i. Ensure the street stub extends as close as possible to the property line, but in no instance farther than five feet from the property line;
 - ii. Dedicate an access easement from the termination of the street stub to the property boundary for use as a street at such time as the abutting land is developed; and
 - iii. Provide a fee-in-lieu in accordance with Section 2.3.13, Fee-in-Lieu, to be used by the Town for completing the street connection from the street stub to the new street on the abutting property.

²¹ STN5 - Results from discussions with staff regarding street continuation issues generally. The topic of street stub requirements needs further discussion with Town staff regarding more clear guidance about the conditions under which a street stub should not be required in order to avoid street stubs that are never likely to be continued.



Chapter 6 Standards

Section 6.5 Infrastructure Sub-section 6.5.12 Streets

e. New development on a vacant lot shall provide street connections to street stubs or access easements on abutting developed properties.

d.f. Major thoroughfare streets shall intersect with surrounding thoroughfare streets at safe and convenient locations, as determined by the Town and the NCDOT, as appropriate.

e.g. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.

f.h. The Site Plan or Final Plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.

g.i. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited.

6. STREET CONNECTIVITY

Streets within new developments and subdivisions shall be connected to one another to ensure emergency access and prevent traffic congestion in accordance with the following:

a. MINIMUM CONNECTIVITY INDEX SCORE REQUIRED

All development subject to this Ordinance shall achieve an internal street connectivity score in accordance with the following table:

TABLE 6.5.12.F.6: MINIMUM STREET CONNECTIVITY INDEX SCORE	
ZONING DISTRICT WHERE LOCATED [1]	MINIMUM REQUIRED INDEX SCORE
RUR, RLL, RLD	1.20
LID, HID, CZI	1.25
RMD, RHD, CZR	1.30
NCM, PUB, CZC	1.40
DTNC, DTNN, DTNT, MXD, CZM, CZD	1.50
NOTES: [1] In cases where a single development is located within more than one zoning district, the connectivity index score shall be based on the zoning district with the highest minimum score requirements.	

b. CONNECTIVITY INDEX SCORE CALCULATION²²

- The connectivity index for a development is calculated by dividing its links by its nodes.
- Figure 6.5.12.F.6, Street Connectivity Index Example, provides an example of how to calculate the connectivity index. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs located at development boundaries are considered as links, but temporary dead-end streets internal to a development or alleys are not counted as links. One link beyond every node that exists in the development and provides access to the street system outside the development shall be included in the index calculation.
- In the diagram, there are 37 links (circles) and 22 nodes (stars); therefore, the connectivity index is 1.68 ($37/22 = 1.68$).

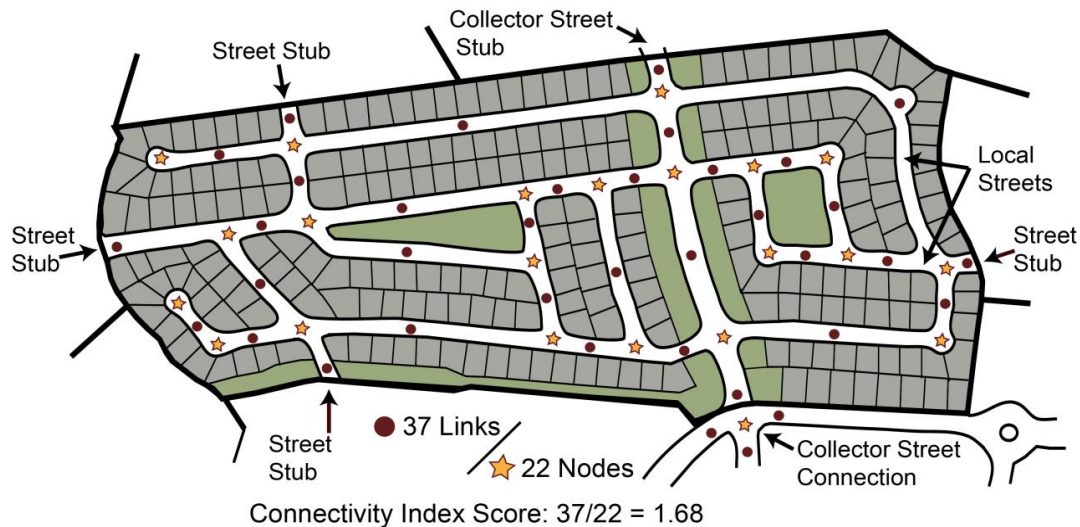
FIGURE 6.5.12.F.6: STREET CONNECTIVITY INDEX EXAMPLE

²² STN 26 Clarify that only street stubs at development boundaries may be counted as links in the connectivity index calculation



Chapter 6 Standards

Section 6.5 Infrastructure Sub-section 6.5.12 Streets



c. REDUCTION IN MINIMUM INDEX SCORE

The minimum connectivity index score may be reduced if the developer demonstrates it is not possible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity index score as is reasonably practical.

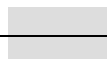
7. DEVELOPMENT ENTRY POINTS²³

- All new subdivisions and developments shall provide development entry points in accordance with this section. Development entry points are vehicular accessways that provide direct access to streets located streets from the development to the street system outside the development. Development entry points shall be configured in accordance with the following table:

TABLE 6.5.12.F.7: MINIMUM NUMBER OF DEVELOPMENT ENTRY POINTS [1]

TYPE OF PROPOSED DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS DEVELOPMENT ENTRY POINTS [2] [3] [4]
Single-Family Detached Residential, Duplex, Triplex, and Quadplex	50 or fewer lots or units	1
	51 to 100 lots or units	2
	101 or more lots or units	3+ as required by a Transportation Impact Analysis
	less than 100 <u>or fewer</u> units	2

²³ STN 5 Changes based on staff discussion regarding clarity for development of 100 or fewer units and clarity regarding the ability of street stubs qualifying as development entry points.



Chapter 6 Standards

Section 6.5 Infrastructure Sub-section 6.5.12 Streets

TABLE 6.5.12.F.7: MINIMUM NUMBER OF DEVELOPMENT ENTRY POINTS [1]

TYPE OF PROPOSED DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS DEVELOPMENT ENTRY POINTS [2] [3] [4]
Single-Family Attached Development, Multi-Family, and Mixed-Use Development	101 to 500 units	3
	501 or more units	4
Non-Residential Development [35]	Less than 10 acres	1
	10 to 50 acres	2
	More than 50 acres	3

NOTES:

[1] Development entry points are vehicular accessways that provide direct access ~~shall refer~~ to streets, not driveways.

[2] When two or more development entry points are required, each access should be made to a separate street, to the maximum extent practicable.

[3] Additional development entry points may be required by the Town.

[34] Up to two street stubs may be counted as development entry points for a subdivision or development, but all subdivisions and developments must comply with all applicable Fire Code access provisions.

[5] Industrial development is exempted from these standards.

FIGURE 6.5.12.F.7: DEVELOPMENT ENTRY POINTS



3. MAINTENANCE

- a. Neither the Town of Clayton nor NCDOT shall be responsible for maintenance of private streets.
- b. Private streets may be marked with signage indicating where Town or State maintenance responsibility stops.

4. PRIVATE STREET DEED DISCLOSURE

Every deed created for a lot served by a private street subject to this Ordinance filed with the Johnston County Register of Deeds shall include the following disclosure:

"It is hereby acknowledged that a Subdivision Streets Disclosure Statement has been executed in accordance with Section 136-102.6 of the North Carolina General Statutes."

5. COMPLIANCE WITH EASEMENTS

All private streets shall be located within an access easement configured in accordance with the applicable requirements in [Section 6.5.7, Easements](#).

~~6. VEHICULAR GATES~~

- ~~a. In no instance shall vehicular gates be placed across public street rights-of-way.~~
- ~~b. Gates on a non-residential, mixed-use, or multi-family site shall:~~
 - ~~i. Conform to Town requirements for emergency access;~~
 - ~~ii. Be located no closer than 50 feet to the street right-of-way;~~
 - ~~iii. Be served by a vehicular turnaround; and~~
 - ~~iv. Be reviewed and approved by the Technical Review Committee.~~

H. CURB AND GUTTER

1. All public streets, whether inside the corporate limits of the Town or outside the Town's corporate limits but abutting land served by public water or sewer, shall be constructed with curb and gutter.
2. Curb and gutter shall be configured in accordance with the Town's Engineering Specifications and Design Manual.
3. Rolled or valley-type curbs may be permitted for new residential streets, but are prohibited on residential collector and other collector streets.

I. STREET NAMES

1. All street names, including names for private streets, shall be in accordance with the County's street naming ordinance, and shall require approval by Johnston County prior to recordation of a Final Plat.
2. Where proposed streets are extensions of existing streets, or are in obvious alignment with existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.
3. Proposed street names shall not duplicate or phonetically approximate the name of any street anywhere within Clayton or unincorporated Johnston County.

J. STREET SIGNS

1. The subdivider or developer shall install street signs as part of new development.
2. All streets within a development shall be marked with a street name sign of a design specification and location in accordance with Town requirements.



3. Decorative street signs shall be approved as to form and configuration by the Town or NCDOT, as appropriate, prior to installation.
4. In cases where decorative street signs are proposed, the developer or subdivider shall be responsible for the cost of the decorative street signs.
5. Street signs shall be configured as break away signs in the event of collision with a vehicle.
6. All street name signs shall conform to Town and NCDOT standards.
7. Street name signs shall be installed free of visual obstruction.

K. TRAFFIC CONTROL DEVICES

1. If deemed necessary by the Town or by NCDOT, signals shall be installed by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road.
2. Signs and signals shall comply with NCDOT regulations with regards to size, shape, color, location, and information contained thereon.
3. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" street intersection.
4. Signs and signals shall be installed free of visual obstruction.

L. VEHICULAR GATES²⁴

1. In no instance shall vehicular gates be placed across public street rights-of-way.
2. Nothing shall prohibit the installation of vehicular gates across a private driveway or site accessway that is not a public street.
3. Gates on a non-residential, mixed-use, or multi-family site shall:
 - a. Conform to Town requirements for emergency access;
 - b. Be located no closer than 50 feet to the street right-of-way;
 - c. Be served by a vehicular turnaround; and
 - d. Be reviewed and approved by the Technical Review Committee.

²⁴ STN 21 Clarify that gates can obstruct access on a private drive or a driveway.



6.5.13 WASTEWATER

All development connected to a potable water supply shall include a wastewater treatment system configured to comply with the following standards:

A. WASTEWATER TREATMENT SYSTEM REQUIRED

1. Every development, building lot, and manufactured home space shall be served by a wastewater treatment or disposal system that is adequate to accommodate the reasonable needs of the use(s) or lot(s) and complies with all applicable Town, County, and State requirements.
2. All materials and pipes shall be provided by the subdivider and shall meet or exceed the requirements established by a State, Town, or utility service provider requirements for wastewater.
3. The Town may, before issuing any approval under this Ordinance, make the investigation and require the developer to submit the information as appears reasonably necessary to ensure that the development will be able to comply with the wastewater treatment or disposal system requirements of this Ordinance.

B. CONNECTION TO PUBLIC WASTEWATER TREATMENT SYSTEM

1. WITHIN THE CORPORATE LIMITS²⁵

- a. Each new development and each lot in all major subdivisions within the Town's corporate limits, and each development and lot in all major subdivisions in the extraterritorial jurisdiction located within a specified distance of an existing or approved but not yet constructed gravity-fed public wastewater treatment line shall be connected, at the developer's expense to the Town's wastewater treatment system. Mandatory connections to public sanitary sewer service shall be in accordance with Table 6.5.13.B, Mandatory Sewer System Connection Required.

TABLE 6.5.13.B: MANDATORY SEWER SYSTEM CONNECTION REQUIRED

NUMBER OF LOTS PROPOSED TYPE OF DEVELOPMENT	MAXIMUM DISTANCE FROM EXISTING PUBLIC SEWER SYSTEM BEFORE SEWER SYSTEM CONNECTION IS NO LONGER REQUIRED (FEET) [1]
SINGLE-FAMILY DETACHED RESIDENTIAL SUBDIVISION (BY # OF LOTS)	
5-20	300
21-50	500
51-100	1,000
More than 100	Connection is mandatory within 5,000 linear feet
ALL OTHER RESIDENTIAL SUBDIVISIONS, NON-RESIDENTIAL DEVELOPMENT, AND MIXED-USE DEVELOPMENT	
1 or more lots	1,000 [2]

NOTES:

[1] Measured from closest point of proposed development to the existing or approved but not yet constructed public sewer system.

²⁵ STN 27 The rules for mandatory connection to wastewater need to be clarified for things that are not major subdivisions. NOTE: The Town needs to review SL2023-90 with respect to its impact on mandatory sewer connection requirements.



Chapter 6 Standards

Section 6.5 Infrastructure

Sub-section 6.5.13 Wastewater

[2] If connection to a public sewer system is required, connection to the public potable water system is also required.

b. In the event a ~~development~~ single-family detached residential subdivision has 100 or fewer lots and is farther than the maximum distance required in Table 6.5.13.B, Mandatory Sewer System Connection Required, the applicant may choose to connect the development to the public sewer system, but such connection is voluntary and is not required.

b.c. In the event a subdivision other than one devoted to single family detached residential development, a non-residential development, or a mixed-use development is farther from an existing water system water supply source than the maximum distance required in Table 6.5.13.B, Mandatory Sewer System Connection Required, the applicant may choose to connect the development to the public sewer system, but such connection is voluntary and is not required.

2. OUTSIDE THE CORPORATE LIMITS

- a.** Where a new development or a proposed major subdivision located in the Town's extraterritorial jurisdiction and is located within a specified distance from an existing or approved but not yet constructed gravity-fed public wastewater line, the applicant shall, at the applicant's expense, connect the development or subdivision lots to the Town's public wastewater treatment system. Minimum connection distances shall be in accordance with Table 6.5.13.B, Mandatory Sewer System Connection Required, except that if a new development or major subdivision is more than 1,000 linear feet from an existing sanitary sewer service line, connection to the Town's sanitary sewer system is voluntary at the discretion of the applicant.
- b.** In the event a development in the extraterritorial jurisdiction is farther than the maximum distance required in Table 6.5.13.B, Mandatory Sewer System Connection Required, the applicant may choose to connect the development to the public sewer system, but such connection is voluntary and is not required.
- c.** No public wastewater treatment system service shall be provided to any lot or development outside the Town's corporate limits, except in accordance with one of the following:
 - i.** If the lot or site is contiguous to the Town's corporate limits, the landowner shall immediately petition for and obtain annexation of the property into the Town's corporate limits.
 - ii.** If the lot or site is not then contiguous to the Town's corporate, the landowner shall enter into a written agreement with the Town for the voluntary annexation of the lot or site at such future date as indicated by the Town.
 - iii.** The Town Council may negotiate terms for voluntary annexation of major industrial or commercial tracts which require water and/or sewer system extensions.
- 3.** Any applicant desiring to extend public wastewater treatment system service in an area where no public wastewater treatment service is available shall apply, in writing, to the Town for a specific daily allocation for such services.

C. CONFIGURATION

Public wastewater treatment systems shall comply with the following requirements:

- 1.** The minimum diameter for a sewer main shall be eight inches.
- 2.** All sewer mains shall be installed at a maximum depth to ensure service to as large an area as possible.



6.6.9 PLANT PLACEMENT

A. OUTSIDE PUBLIC STREET RIGHTS-OF-WAY

1. Except for street trees, required landscaping material shall not be located within a street right-of-way.
2. Street trees may be located within a street right-of-way in the DTNC, DTNN, and DTNT districts as well as within the GTOD when specified by adopted policy guidance.
3. Where provided, street trees shall be configured in accordance with [Section 6.6.15, Street Trees](#).

B. GROUPING OF PLANT MATERIAL

1. Except for street trees, vegetation within a type A perimeter buffer, shrubs around a parking lot perimeter, or when vegetation is included as a screening device in accordance with [Section 6.6.13, Screening](#), required plant material may generally be grouped or clustered, however, the overall screening intent must be adequately addressed.
2. Required plant material in a type A perimeter buffer may not be grouped, and shall be planted according to the required on-center spacing in Table 6.6.12.D, Perimeter Buffer Configuration.
3. Street trees shall maintain on-center spacing requirements in [Section 6.6.15, Street Trees](#).
4. Shrubs intended to screen features in accordance with [Section 6.6.13, Screening](#), may not be grouped if such grouping results in the failure to meet the minimum screening standards of this Ordinance.

C. MULTIPLE-LOT UNIFIED DEVELOPMENT

A multiple-lot unified development is not required to provide perimeter buffers along lot lines internal to the development, but the perimeter of the development shall be subject to the standards in [Section 6.6.12, Perimeter Buffers](#).

D. EASEMENTS

1. Landscaping material may not be located within a public utility or drainage easement.
2. When authorized, trees and shrubs may be located within a required easement on a case-by-case basis with the permission of the easement holder.
3. When landscaping is within an easement, the landowner is responsible for replacement of any required vegetation if maintenance or other actions result in its removal.
4. Where an easement and a required landscape area coincide and there is a prohibition on planting within the easement, then the required landscaping area shall be located outside the easement.

E. ~~SETBACK SMALLER THAN REQUIRED~~ CONFLICTS WITH SETBACKS, EASEMENTS, AND REQUIRED LANDSCAPING AREAS²⁶

In cases where a required setback or yard is smaller or more narrow than a required landscaping area, or when a public utility or drainage easement exists within the area to be occupied by a required landscaping area, the landscaping area width or size shall not be reduced except as authorized by any of the following:

1. An alternative landscape plan;

²⁶ STN 28 How are setbacks measured when there is a utility easement or required landscaping area parallel to the lot line? NOTE: There is a larger issue to discuss here, which is how will the Town address situations where a public utility easement and/or a required landscaping buffer make a lot unbuildable. How much land occupied by a utility easement and adjacent landscaping buffer is too much?



Chapter 6 Standards

Section 6.7 Open Space Set-Aside and Parkland Sub-section 6.7.1 Open Space Set-Aside

- a. Development of an individual single-family dwelling (including manufactured homes) on lots platted prior to January 2, 2024;
- b. Single-family detached residential subdivisions comprised solely of five or fewer lots where all lots are intended for single-family detached residential dwellings;
- c. Development consisting of up to five duplex, triplex, or quadplex buildings (not individual units); and
- d. Development located within the CON district.

D. MINIMUM OPEN SPACE SET-ASIDE REQUIREMENTS²⁷

1. AMOUNT

- a. The minimum required amount of open-space set-aside, as a percentage of a development's size, shall be in accordance with the dimensional standards for the type of use in the zoning district where the development is located. Chapter 3, Districts, sets out the open space set-aside requirements for each zoning district.
- b. Nothing shall limit the provision of more open space set-aside, provided the minimum requirements in this Ordinance are met.

2. TYPE

- a. Table 6.7.1.D, Open Space Type, identifies the form(s) of open space set-aside required by this Ordinance.

TABLE 6.7.1.D: OPEN SPACE SET-ASIDE TYPE

ZONING DISTRICT WHERE LOCATED [1]	TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]	
CRM, HID, LID, NCM, OFI, CZC, CZI	Passive Open Space [3]	
DTNC, DTNN, DTNT, CZD	Gathering Space [4]	
MXD, CZM	Active Open Space [5]	
PUB	Passive Open Space [5]	
RHD, RLL, RLD, RMD, RMF, RUR, CZR	Residential Development <u>or</u> <u>Mixed-Use Development that Includes with 6 or More Residential Units</u>	50% Active Open Space or Gathering Space [6]
	Residential Development <u>with of</u> 5 or fewer <u>units Single-Family Detached Lots</u>	N/A
	<u>Residential Development of 5 or fewer Duplex, Triplex, or Quadplex Buildings</u>	N/A
	All Other Development	Passive Open Space [5]

NOTES:

²⁷ STN 11 – staff wants consistency with minor subdivision, which is how the current standards are configured



F. MAINTENANCE OF OPEN SPACE SET-ASIDES

1. The owner of the land shall be responsible for maintenance of all open space set-aside areas including land, vegetation, private infrastructure, greenways, and other features, in accordance with this Ordinance and any conditions of approval associated with the development.
2. Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Chapter 7, Violations.

G. OWNERSHIP OF OPEN SPACE SET-ASIDES

Open space set-asides are intended to remain under private ownership while being available for use to residents and visitors in the development where located. Ownership of open space set-asides shall remain with the owner of the land, except in the following circumstances.

1. HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners' or property owners' association, which shall be established in accordance with [Section 6.8, Owners' Associations](#).

2. NONPROFIT ORGANIZATION

The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the set-aside will be properly managed and maintained.

3. DEDICATED TO TOWN OR OTHER PUBLIC AGENCY

In some cases, certain lands designated as open space set-asides, such as wildlife habitat or greenways, may be dedicated to the Town or other public agency during the development review process. The Town Council shall determine which lands and under what conditions open space set-asides may be dedicated to the Town or other public agency.

6.7.2 PARKLAND DEDICATION²⁸

Subdivisions of land for ~~five~~ six or more single-family residential lots (including detached or attached units) shall be required to dedicate a portion of the land, or pay a fee-in-lieu thereof, for public parkland, in accordance with the standards of this section.

A. DEDICATION AMOUNT

1. Single-family residential subdivisions of ~~five~~ six or more lots shall dedicate 1,244 square feet of land per residential lot or principal dwelling unit to the Town for its use in developing public parkland.
2. No credit towards required parkland dedication is given for lands mandated for preservation by State or federal requirements.
3. No more than 25 percent of the total dedication requirement may be met through dedication of water areas.

B. DEDICATION OR PAYMENT OF FEE-IN-LIEU PROCEDURE

1. The developer or landowner, as appropriate, shall identify land proposed for dedication or propose payment of a fee-in-lieu as part of the application for approval in accordance with [Section 2.3.13, Fee-in-Lieu](#).

²⁸ STN 11 . Revised to reflect consistency with open space requirements and exemptions for minor subdivisions.



6.10 PEDESTRIAN FACILITIES

6.10.1 GREENWAYS AND TRAILS

A. GREENWAYS AND TRAILS DISTINGUISHED

1. GREENWAYS

- Greenways are linear alignments of land that incorporate an improved pedestrian walkway or multi-purpose accessway available for use by bicyclists as well as pedestrians. Greenways are located within access easements reserved for and granted to the Town for the purpose of allowing access to members of the general public.
- Greenways are located in areas designated by the Town's adopted policy guidance and may take the place of a required sidewalk or ~~side~~multi-use path.
- Greenways are constructed to Town standards and operated and maintained by the Town.
- Greenways are configured in accordance with the standards in this section.

2. TRAILS

- Trails are linear alignments of land that incorporate an improved pedestrian walkway or multi-purpose accessway available for use by bicyclists as well as pedestrians, but that are included as part of required private common open space set-aside.
- Trails are not located in access easements granted to the Town for members of the general public, though the owner(s) of a trail may make it available for use by members of the general public.
- Trails may not be substituted for required sidewalks or greenways.
- Trails are not required to be constructed to Town standards and are operated and maintained by an owners' association.
- Trails are configured in accordance with the standards in Section 6.7, Open Space Set-Aside and Parkland.

B. GREENWAY RESERVATION AND CONSTRUCTION REQUIRED²⁹

- Whenever a tract of land included within any proposed Major Subdivision, Minor Subdivision, Site Plan, or Rezoning includes any part of a greenway designated in the Town's adopted policy guidance, the land area indicated for use as a greenway alignment shall be reserved and included within an access easement in favor of the Town.
- Development on land subject to these standards shall incorporate greenway reservation and construction as specified in the relevant adopted policy guidance and in Table 6.10.1: Greenway Construction Required, as part of the required infrastructure serving the development.

TABLE 6.10.1: GREENWAY CONSTRUCTION REQUIRED

TYPE OF ACTIVITY OR DEVELOPMENT	GREENWAY CONSTRUCTION REQUIREMENT [1]
Subdivision of Land [2]	Greenway Reservation and Construction Required
Development on a Vacant Lot or Site	

²⁹ STN 29 Soften the greenway reservation requirements for additions or expansions of existing buildings to better encourage redevelopment



Chapter 6 Standards

Section 6.10 Pedestrian Facilities Sub-section 6.10.1 Greenways and Trails

TABLE 6.10.1: GREENWAY CONSTRUCTION REQUIRED

TYPE OF ACTIVITY OR DEVELOPMENT		GREENWAY CONSTRUCTION REQUIREMENT [1]
Replacement of an Existing Principal Structure		
Addition or Expansion of Existing Principal Building with no new Principal Building Construction	Total Project Cost Exceeds 75 50% of Preconstruction Assessed Value	Greenway Reservation and Construction Required
	Total Project Costs are 75 50% or less than Preconstruction Assessed Value	Greenway Reservation Required; Exempted from Greenway Construction
Change of Use with No Addition or Expansion to any Principal Building and with no New Principal Building Construction		Exempted from Greenway Reservation and Construction [3]
Addition or Expansion of a Secondary Building with no Changes to any Principal Buildings		
Establishment of or Change to Open Air Use of Land		

NOTES:

[1] Greenways are only required in locations specified in the Town's adopted policy guidance.

[2] Exempt and Limited Subdivisions are exempted from these requirements.

[\[3\] The Town may, in its sole discretion, require reservation of land necessary for a greenway.](#)

3. In cases where a greenway extends between two or more phases of a development, only the portion of the greenway in the active phase of the development is required to be reserved and constructed.

C. GREENWAY CONFIGURATION

Greenways shall be located and configured in accordance with the Town's adopted policy guidance and the following:

1. MINIMUM GREENWAY WIDTH

The land area associated with a greenway shall be at least 20 feet wide, though a wider greenway may be required in accordance with adopted policy or as needed in cases where a public utility or drainage easement is located within the greenway alignment.

2. EASEMENT REQUIRED

The greenway shall be wholly located within an access easement granted by the landowner in favor of the Town. The easement shall be clearly identified on all Site Plans, Construction Drawings, and Subdivision Plats, and shall be recorded in the office of the Johnston County Register of Deeds prior to the issuance of any Certificates of Occupancy.

3. GREENWAY ACCESS

A greenway may only be accessed by a public street, publicly-owned land, or by another greenway segment.

4. GREENWAY SURFACE

- a. The trail or pathway portion of a greenway shall maintain a minimum width of at least ten feet unless a wider configuration is specified in the adopted policy guidance.



6.10.2 SIDEWALKS AND MULTI-USE PATHS

A. SIDEWALKS AND MULTI-USE PATHS DISTINGUISHED

1. SIDEWALKS

- a. Sidewalks are improved pedestrian walkways located within and parallel to a public street right-of-way.
- b. Sidewalks are paved with concrete and maintain a minimum width of five to eight feet, depending upon location, width of adjacent pre-existing sidewalks, anticipated use level, or terrain.

2. MULTI-USE PATHS

- a. Multi-use paths are improved pedestrian ways located within a public street right-of-way, or located on public land dedicated to the Town located outside a public street right-of-way.
- b. Multi-use paths are paved with concrete or asphalt.
- c. Multi-use paths are at least ten feet wide, though they may be wider based on site conditions, anticipated use level, or terrain.

B. APPLICABILITY

1. The standards in this section shall be applied to applications for a Major Subdivision, Minor Subdivision, Site Plan, or Rezoning in accordance with Table 6.10.2: Sidewalk or Multi-use Path Construction Required.
2. These standards are not applied to the development of a single lot with a single-family detached, single-family attached, or duplex dwelling.

C. SIDEWALK AND MULTI-USE PATH DEDICATION AND CONSTRUCTION REQUIRED³⁰

1. Whenever a tract of land included within any proposed Major Subdivision, Minor Subdivision, Site Plan, or Rezoning includes or abuts an existing or planned pedestrian facility identified by this section or the Town's adopted policy guidance, the land area indicated for use as a sidewalk or multi-use path shall be dedicated to the Town.
2. All new sidewalks and multi-use paths shall be constructed by the developer as part of the proposed development or redevelopment in accordance with this section.
3. The determination of whether a required pedestrian facility will take the form of a sidewalk or a multi-use path, or both depending upon the size of the proposed development, shall be based upon the Town's adopted policy guidance, the Town's Comprehensive Transportation Plan, the current Capital Improvement Plan, any applicable conditions of approval, or existing conditions on lands abutting a proposed development or redevelopment. In cases where one or more of these provisions conflict, the Engineering Director shall determine the pedestrian facility configuration. The Engineering Director's decision may be appealed in accordance with [Section 2.3.2, Appeal](#).
4. In cases where an existing pedestrian facility is already present on land subject to development or redevelopment, but is substandard in terms of its minimum width, required materials, location, or other Town requirement, the developer shall take whatever actions are necessary to improve the existing pedestrian facility to the minimum level required by this Ordinance and adopted policy guidance.

³⁰ STN30 Soften the requirements for sidewalk construction for additions and expansions of existing buildings to support redevelopment



Chapter 6 Standards

Section 6.10 Pedestrian Facilities

Sub-section 6.10.2 Sidewalks and Multi-Use Paths

5. Table 6.10.2: Sidewalk or Multi-use Path Construction Required, listed below, identifies the kinds of development subject to or exempted from these standards.

TABLE 6.10.2: SIDEWALK OR MULTI-USE PATH CONSTRUCTION REQUIRED		
TYPE OF ACTIVITY OR DEVELOPMENT [1]		SIDEWALK OR MULTI-USE PATH REQUIREMENT
Construction of New Street or Street Segment		Sidewalk/Multi-use Path Dedication and Construction Required
Subdivision of Land [2]		
Development on a Vacant Lot or Site		
Replacement of an Existing Principal Structure		
Addition or Expansion of Existing Principal Building with no new Principal Building Construction	Total Project Cost Exceeds 75 50% of Preconstruction Assessed Value	Sidewalk/Multi-use Path Dedication and Construction Required
	Total Project Costs are 75 50% or less than Preconstruction Assessed Value	Exempted from Sidewalk/Multi-use Path Construction [3]
Change of Use with No Addition or Expansion to any Principal Building and with no New Principal Building Construction		Exempted from Sidewalk/Multi-use Path Requirements <u>[3]</u>
Addition or Expansion of a Secondary Building with no Changes to any Principal Buildings		
Establishment of or Change to Open Air Use of Land		
NOTES:		
[1] Development exempted in accordance with Section 6.10.2B, Applicability, are exempted from these standards.		
[2] Exempt and Limited Subdivisions are exempt from these requirements.		
[3] The Town may, in its sole discretion, require dedication of land necessary for a sidewalk or multi-use path.		

6. In cases where a sidewalk or multi-use path extends between two or more phases of a development, only the portion of the sidewalk or multi-use path in the active phase of the development is required to be dedicated and constructed.

D. SIDEWALK AND MULTI-USE PATH LOCATION

Sidewalk and multi-use path locations are established in accordance with the Town's adopted policy guidance and the following standards:

1. BOTH SIDES OF THE STREET

- Except where otherwise allowed by this section, sidewalks, or multi-use paths (or a combination of the two) shall be provided along both sides of all public streets, including cul-de-sac heads, within the Town's corporate limits.
- Outside the corporate limits, sidewalks or multi-use paths are required on both sides of all public streets within and abutting developments where lots are smaller than one acre in size.



6.12 RIPARIAN BUFFERS

6.12.1 AUTHORITY

This section is adopted pursuant to the authority vested in the Town of Clayton and the General Statutes of North Carolina, particularly:

~~A. NCGS §§ 153A-121 and 153A-140;~~

~~B. NCGS §§ 160A-174 and 160A-193;~~

~~C. Chapter 160D of the North Carolina General Statutes; and~~

~~D. Any special legislation enacted by the General Assembly for the Town of Clayton;~~

6.12.26.12.1 PURPOSE AND INTENT

This section is adopted to protect and preserve existing riparian buffers throughout the Neuse River Basin as generally described in Rule 15A NCAC 02B .0714 (Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers) of the North Carolina Administrative Code, in order to maintain their nutrient removal and stream protection functions.

~~FURTHER, THIS SECTION IS INTENDED TO:~~

~~A. HELP PROTECT THE WATER SUPPLY USES OF FALLS OF THE NEUSE RESERVOIR WATERSHED AND DESIGNATED WATER SUPPLIES THROUGHOUT THE NEUSE RIVER BASIN;~~

~~B. ENHANCE AND PROTECT THE NATURAL ECOLOGY OF STREAM SYSTEMS;~~

~~C. PROTECT WATER QUALITY THROUGH BANK STABILIZATION, SHADING, AND NUTRIENT REMOVAL;~~

~~D. MINIMIZE FLOOD DAMAGE IN FLOOD PRONE AREAS;~~

~~E. HELP TO REMOVE NITROGEN FROM SURFACE WATERS, AND~~

~~F. PREVENT SEDIMENT AND SEDIMENT-BOUND POLLUTANTS SUCH AS PHOSPHOROUS FROM REACHING THE STREAMS.~~

6.12.36.12.2 APPLICABILITY RESPONSIBILITY FOR ENFORCEMENT

Any activities impacting Zone 1 and/or 2 of riparian buffers in the Neuse River Basin, including activities conducted under the authority of the State, the United States, multiple jurisdictions, or locate units of government, silviculture, and/or agricultural activities shall be administered by the NC Department of Environmental Quality (NCDEQ) in accordance with 15A NCAC 02B.0622. Except where exempted by Section 6.12.4, Exemptions, the standards in this section shall apply to all landowners and governmental entities conducting activities within riparian buffer areas as designated below:

6.12.3 APPLICABLE STANDARDS

All development located within the Neuse River Basin shall comply with the applicable riparian buffer and use-related standards identified in 15A NCAC 02b .0714. Applicants for development may request an on-site determination from NCDEQ in accordance with Section 15A NCAC 02b .0714(4) for the purposes of seeking exemption from the applicable requirements.



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 1.1.1 Generally

A:—GENERALLY

- 1.—These standards shall apply to activities conducted within 50-foot-wide riparian buffers directly adjacent to surface waters in the Neuse River Basin (intermittent streams, perennial streams, lakes, ponds, reservoirs, and estuaries), excluding wetlands.
- 2.—Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 02H .0506.
- 3.—Riparian buffers shall be determined in accordance with Section 6.12.5, Zones of The Riparian Buffer.
- 4.—No new clearing, grading, or development shall take place, nor shall any new building permits be issued in violation of these standards.
- 5.—Stormwater runoff from activities conducted outside the riparian buffer but that result in stormwater entering the riparian buffer shall comply with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer.
- 6.—A riparian buffer may be exempt from these standards in accordance with Section 6.12.4, Exemptions.

B:—RIPARIAN BUFFERS DESIGNATED BY MAP

A surface water, and the buffer area along it, shall be subject to these standards if the surface water is approximately shown on any of the following references:

- 1.—The most recent version of the published manuscript of the soil survey map that shows stream layers prepared by the Natural Resources Conservation Service of the United States Department of Agriculture;
- 2.—The United States Geologic Survey's (USGS) National Map; or
- 3.—Other maps approved by the Environmental Management Commission as more accurate than those identified above. Other maps shall use a hydrography dataset developed using hydrography specifications and standard metadata approved by the Geographic Information Coordinating Council (GICC) and maintained on a GICC list of the best available hydrography. Edits, deletions, and additions to the hydrography dataset shall follow GICC approved standards and specifications, per stewardship governance. Other maps shall have their hydrography dataset and procedures for edits, deletions and additions reviewed and approved by the GICC. Other maps shall be submitted to the Division for review and recommendation to the Environmental Management Commission. Prior to recommendation to the Environmental Management Commission, the Division shall issue a 30-calendar day public notice through the Division's Mailing List in accordance with 15A NCAC 02H .0503. Division staff shall present recommendations including comments received during the public notice period to the Environmental Management Commission for a final decision. Maps approved in this way shall not apply to projects subject to Section 6.12.4B, Exemption when Exiting Uses are Present and Ongoing.

6.12.4 EXEMPTIONS

A:—EXEMPTIONS BASED ON ON-SITE DETERMINATION

Surface waters that appear on the maps identified in Section 6.12.3B, Riparian Buffers Designated By Map, shall not be subject to these standards if an on-site determination shows that they fall into one of the following categories:

- 1.—Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access;



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 6.12.4 Zones of The Riparian Buffer

- ~~2.—Manmade ponds and lakes that are not fed by an intermittent or perennial stream or do not have a direct discharge point to an intermittent or perennial stream;~~
- ~~3.—Ephemeral streams; and~~
- ~~4.—The absence on the ground of a corresponding perennial waterbody, intermittent waterbody, lake, pond, or estuary.~~

B.—EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING

- ~~1.—The standards in this section shall not apply to portions of the riparian buffer where a use is existing and ongoing. A use shall be considered existing if:
 - ~~a.—It was present within the riparian buffer as of July 22, 1997, and has continued to exist since that time; or~~
 - ~~b.—It was a deemed allowable activity as listed in Table 6.12.9, Table of Uses; or~~
 - ~~c.—It was conducted and maintained pursuant to a Variance or other allowable deviation.~~~~
- ~~2.—Existing and ongoing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns (i.e., can be mowed without a chainsaw or bush-hog), existing utility line maintenance corridors and on-site sanitary sewage systems, any of which involve either specific periodic management of vegetation or displacement of vegetation by structures or regular activity.~~
- ~~3.—Only the portion of the riparian buffer that contains the footprint of the existing and ongoing use is exempt from these standards.~~
- ~~4.—Change of ownership through purchase or inheritance is not a change of use.~~
- ~~5.—Activities necessary to maintain existing and ongoing uses are allowed provided that the site remains similarly vegetated, no built upon area is added within the riparian buffer where it did not exist prior to July 22, 1997, and the site complies with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer.~~
- ~~6.—These standards shall apply at the time an existing and ongoing use is changed to another use. Change of use shall involve the initiation of any activity not defined as existing and ongoing in this sub-section.~~

C.—EXEMPTION FOR PONDS CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES

~~These standards shall not apply to a freshwater pond if all of the following conditions are met:~~

- ~~1.—The property on which the pond is located is used for agriculture as that term is defined in NCGS§106-581.1.~~
- ~~2.—The use of the property complies with all other water quality and water quantity statutes and rules applicable to the property before July 22, 1997.~~
- ~~3.—The pond is not a component of an animal waste management system as defined in NCGS§143-215.10B (3).~~

6.12.56.12.4 ZONES OF THE RIPARIAN BUFFER

The protected riparian buffer shall have two zones as follows (see Figure 6.12.5: Riparian Buffer Zones):

A. ZONE 1

Zone 1 shall consist of a vegetated area that is undisturbed except for uses as provided for in 15A NCAC 02b .0714. The location of Zone 1 shall be as follows:

1. For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 6.12.4 Zones of The Riparian Buffer

feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or ends, including when it goes underground, enters or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end).

2. For ponds, lakes and reservoirs subject to this Rule, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

B. ZONE 2

~~A:—Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in 15A NCAC 02b .0714. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water. Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, and Section 6.12.9, Table of Uses. The location of Zone 1 shall be as follows:~~

~~1:—For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or ends, including when it goes underground, enters, or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end):~~

~~2:—For ponds, lakes, and reservoirs subject to these standards, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.~~

~~B:—Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, and Section 6.12.9, Table of Uses. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.~~

FIGURE 6.12.5: RIPARIAN BUFFER ZONES



Chapter 6 Standards

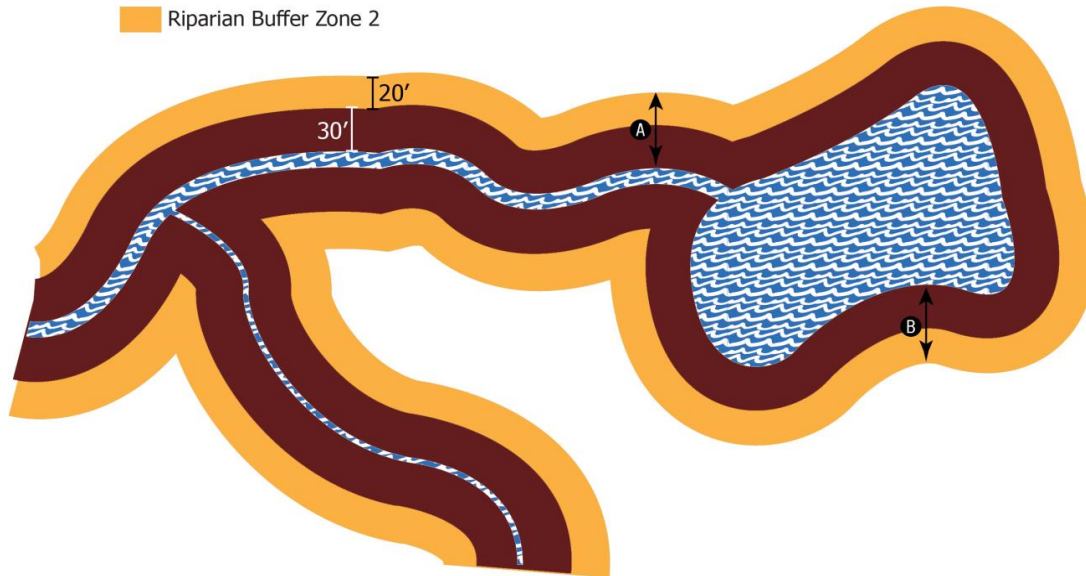
Section 6.12 Riparian Buffers

Sub-section 6.12.5 Stormwater Runoff Through the Riparian Buffer

LEGEND

-  Intermittent or Perennial Stream
-  Pond, Lake, or Reservoir
-  Riparian Buffer Zone 1
-  Riparian Buffer Zone 2

- A** Measured Horizontally from Top of Bank
- B** Measured Horizontally from Normal Water Level



6.12.66.12.5 STORMWATER RUNOFF THROUGH THE RIPARIAN BUFFER

Stormwater runoff into the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 except as otherwise described in [15A NCAC 02b .0714](#).

this sub-section. Drainage conveyances include drainage ditches, roadside ditches, and stormwater conveyances. The following stormwater conveyances through the riparian buffer are either deemed allowable or allowable upon authorization, as defined in Section 6.12.9, Table of Uses, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody. Stormwater conveyances through the riparian buffer that are not listed below shall be allowable with exception as defined in Section 6.12.8E, Allowable With Exception:

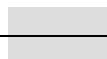
A: Allowable - Runoff

The following are deemed allowable as defined in Section 6.12.8A, Deemed Allowable:

1. New drainage conveyances from a primary SCM, as defined in 15A NCAC 02H .1002, when the primary SCM is designed to treat the drainage area to the conveyance and that comply with a stormwater management plan reviewed and approved under a State stormwater program or a State-approved local government stormwater program; and
2. New stormwater flow to existing drainage conveyances provided that the addition of new flow does not result in the need to alter the conveyance.

B: ALLOWABLE UPON AUTHORIZATION - RUNOFF

The following are allowable upon authorization as defined in Section 6.12.8B, Allowable Upon Authorization:



601

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 1.1.1 Platting within a Riparian Buffer

- 1.—New drainage conveyances from a primary SCM as defined in 15A NCAC 02H .1002 when the primary SCM is provided to treat the drainage area to the conveyance but are not required to be approved under a State stormwater program or a State-approved local government stormwater program;
- 2.—New drainage conveyances when the drainage area to the conveyance is demonstrated via approved nutrient calculation methodologies to meet the nutrient loading goal of 3.6 pounds per acre per year of Nitrogen (N) outside of the Falls of the Neuse Reservoir Watershed;
- 3.—New drainage conveyances when the flow rate of the conveyance is less than 0.5 cubic feet per second during the peak flow from the 0.75-inch-per-hour storm;
- 4.—New stormwater runoff that has been treated through a level spreader-filter strip that complies with 15A NCAC 02H .1059;
- 5.—Realignment of existing drainage conveyances applicable to publicly funded and maintained linear transportation facilities when retaining or improving the design dimensions provided that no additional travel lanes are added, and the minimum required roadway typical section is used based on traffic and safety considerations;
- 6.—Realignment of existing drainage conveyances retaining or improving the design dimensions provided that the size of the drainage area and the percent built-upon area within the drainage area remain the same;
- 7.—New or altered drainage conveyances applicable to publicly funded and maintained linear transportation facilities provided that SCMs or BMPs from the NCDOT Stormwater Best Management Practices Toolbox, are employed;
- 8.—New drainage conveyances applicable to publicly funded and maintained linear transportation facilities that do not provide a stormwater management facility due to topography constraints provided other measures are employed to protect downstream water quality to the maximum extent practical; and
- 9.—New drainage conveyances where the drainage area to the conveyance has no new built-upon area as defined in 15A NCAC 02H .1002 and the conveyance is necessary for bypass of existing drainage only.

6.12.7 PLATTING WITHIN A RIPARIAN BUFFER

In no instance shall riparian buffers be included as part of a buildable lot established as part of a Major, Minor, or Limited Subdivision.

6.12.86.12.6 USES

Uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, shall be designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, allowable with exception or prohibited by NCDEQ in accordance with 15A NCAC 02b .0714. Potential new uses shall have the following requirements:

A.—DEEMED ALLOWABLE

Uses designated as deemed allowable in Section 6.12.6A, Allowable - Runoff, or Section 6.12.9, Table of Uses, may occur within the riparian buffer. Deemed allowable uses shall be designed, constructed, and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities. In addition, deemed allowable uses shall meet the requirements listed in Section 6.12.9, Table of Uses, for the specific use.



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

B. ALLOWABLE UPON AUTHORIZATION

Uses designated as allowable upon authorization in Section 6.12.6B, Allowable Upon Authorization - Runoff, or Section 6.12.9, Table of Uses, require a written authorization from the Town for impacts within the riparian buffer pursuant to these standards:

C. ALLOWABLE WITH MITIGATION UPON AUTHORIZATION

Uses designated as allowable with mitigation upon authorization in Section 6.12.9, Table of Uses, require a written authorization from the Town for impacts within the riparian buffer pursuant to these standards and an appropriate mitigation strategy that has received written approval pursuant to Section 6.12.10, Mitigation.

D. PROHIBITED

Uses designated as prohibited in Section 6.12.9, Table of Uses, may not proceed within the riparian buffer unless a variance has been granted in accordance with Section 2.3.29, Variance. Mitigation may be required as a condition of approval of the variance.

E. ALLOWABLE WITH EXCEPTION

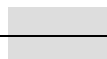
Uses not designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization or prohibited in Section 6.12.9, Table of Uses, require a written authorization certificate with exception from the Town for impacts within the riparian buffer pursuant to this Ordinance and an appropriate mitigation strategy that has received written approval pursuant to Section 6.12.10, Mitigation.

6.12.9 TABLE OF USES

The following table sets out potential new uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, and designates them as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, or prohibited:

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
1. Airport facilities				
(i) Vegetation removal activities necessary to comply with Federal Aviation Administration requirements (e.g. line of sight requirements) provided the disturbed areas are stabilized and revegetated	*			
(ii) Airport facilities that impact equal to or less than one-third of an acre of riparian buffer		*		
(iii) Airport facilities that impact greater than one-third of an acre of riparian buffer			*	
2. Archaeological activities	*			
3. Bridges				
(i) Impact equal to or less than one-tenth of an acre of riparian buffer	*			
(ii) Impact greater than one-tenth of an acre of riparian buffer		*		
4. Dam maintenance activities				



603

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(i) Dam maintenance activities that do not cause additional riparian buffer disturbance beyond the footprint of the existing dam	✖			
(ii) Dam maintenance activities that do cause additional riparian buffer disturbance beyond the footprint of the existing dam		✖		
5. Drainage of a pond subject to Section 6.12.3B, Riparian Buffers Designated By Map, provided that a new riparian buffer is established by natural regeneration or planting, within 50 feet of any stream which naturally forms or is constructed within the drained pond area. Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted pursuant to Section 6.12.4A, Exemptions Based on on-Site Determination	✖			
6. Fences				
(i) Fencing livestock out of surface waters	✖			
(ii) Installation does not result in removal of trees from Zone 1	✖			
(iii) Installation results in removal of trees from Zone 1		✖		
7. Fertilizer Application				
(i) One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation. No runoff from this one-time application in the riparian buffer is allowed in the surface water	✖			
(ii) Ongoing fertilizer application				✖
8. Forest harvesting	See Section 15A NCAC 02B .0612			
9. Grading only in Zone 2 provided that the health of existing vegetation in Zone 1 is not compromised, Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, is complied with, and disturbed areas are stabilized and revegetated	✖			
10. Greenways, trails, sidewalks, or linear pedestrian/ bicycle transportation systems				
(i) In Zone 2 provided that no built upon area is added within the riparian buffer	✖			
(ii) In Zone 1 provided that no built upon area is added within the riparian buffer and the installation does not result in the removal of tree(s)	✖			



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) When built upon area is added to the riparian buffer, equal to or less than 10 feet wide with two-foot-wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative		✖		
(iv) When built upon area is added to the riparian buffer, greater than 10 feet wide with two-foot-wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative			✖	
11. Historic preservation	✖			
12. New landfills as defined in NCGS§ 130A-290				✖
13. Maintenance access on modified natural streams or canals: a grassed travelway on one side of the waterbody when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travelway shall be located to maximize stream shading		✖		
14. Mining activities				
(i) Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, are established adjacent to any relocated channels		✖		
(ii) Mining activities that are not covered by the Mining Act or where new riparian buffers that meet the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, are not established			✖	
(iii) Wastewater or mining dewatering wells with approved NPDES permit	✖			
15. On-site sanitary sewage systems - new ones that use ground absorption				✖
16. Pedestrian access trail and associated steps leading to a surface water, dock, canoe or kayak access, fishing pier, boat ramp or other water dependent structure				
(i) Equal to or less than six feet wide that does not result in the removal of tree(s) within the riparian buffer and does not result in the addition of built upon area to the riparian buffer	✖			
(ii) Equal to or less than six feet wide that results in the removal of tree(s) or the addition of built upon area to the riparian buffer		✖		
(iii) Greater than six feet wide			✖	
17. Playground equipment				



605

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(i) Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation	✖			
(ii) Playground equipment on single-family lots where installation or use results in the removal of vegetation		✖		
(iii) Playground equipment installed on lands other than single-family lots		✖		
18. Ponds created or modified by impounding streams subject to riparian buffers pursuant to Section 6.12.3B, Riparian Buffers Designated By Map and not used as stormwater control measures (SCMs)				
(i) New ponds provided that a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is established adjacent to the pond		✖		
(ii) New ponds where a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is not established adjacent to the pond			✖	
19. Protection of existing structures and facilities when this requires additional disturbance to the riparian buffer		✖		
20. Public Safety - publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the riparian buffers pose a risk to public safety. The head of the local law enforcement agency shall notify the local government with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing	✖			
21. Removal of previous fill or debris provided that Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, is complied with and any vegetation removed is restored	✖			



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
22. Residential Properties: Where application of this Rule would preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in the buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence complies with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer				
(i) The residence or necessary infrastructure only impact Zone 2		✖		
(ii) The residence or necessary infrastructure impact Zone 4			✖	
(iii) Impacts other than the residence or necessary infrastructure			✖	
23. Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332				
(i) Wetland or stream restoration is part of a compensatory mitigation bank, nutrient offset bank, or the in-lieu fee program	✖			
(ii) Wetland or stream restoration other than those listed above		✖		
24. Road, driveway, or railroad - impacts other than perpendicular crossings of streams and other surface waters subject to these standards			✖	
25. Road, driveway, or railroad - perpendicular crossings of streams and other surface waters subject to these standards				
(i) Impact equal to or less than one-tenth of an acre of riparian buffer	✖			
(ii) Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer		✖		
(iii) Impact greater than one-third of an acre of riparian buffer			✖	
(iv) Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer		✖		
(v) Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer			✖	
(vi) Farm roads and forest roads that are exempt from permitting from the U.S. Army Corps of Engineers per Section 404(f) of the Federal Clean Water Act	✖			
26. Road relocation of existing private access roads associated with public road projects where necessary for public safety				
(i) Less than or equal to 2,500 square feet of riparian buffer impact		✖		



607

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) Greater than 2,500 square feet of riparian buffer impact			✖	
27. Scientific studies and stream gauging	✖			
28. Slatted uncovered decks , including steps and support posts, which are associated with a dwelling, provided that it meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer				
Installation does not result in removal of vegetation in Zone 1		✖		
(ii) Installation results in removal of vegetation in Zone 1			✖	
29. Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002				
(i) In Zone 2 if Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is complied with		✖		
(ii) Installation results in removal of vegetation in Zone 1			✖	
30. Streambank or shoreline stabilization		✖		
31. Temporary roads , provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 026 .0295(i)				
(i) Less than or equal to 2,500 square feet of riparian buffer disturbance	✖			
(ii) Greater than 2,500 square feet of riparian buffer disturbance		✖		
(iii) Associated with culvert installation or bridge construction or replacement		✖		
32. Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 026 .0295(i)				
(i) In Zone 2 provided that ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and that discharge is released in accordance with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer	✖			
(ii) In Zones 1 and 2 to control impacts associated with uses identified in this Table or uses that have received an Authorization Certificate with Exception provided that sediment and erosion control for upland areas is addressed outside the riparian buffer		✖		



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Clean Water Act	✖			
33. Utility Lines - Streambank stabilization for the protection of publicly owned utility lines (not including new line installation)				
(i) Less than 150 feet of streambank disturbance	✖			
(ii) Greater than 150 feet of streambank disturbance		✖		
34. Utility - Sewer lines - Sanitary Sewer Overflows				
(i) Emergency sanitary sewer overflow response activities, provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor is the minimum necessary to respond to the emergency overflow; is restored to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g. grass with grass; hardwoods with hardwoods) within two months of when disturbance is complete	✖			
(ii) Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts that are not a "Deemed Allowable Activity", an application for an Authorization Certificate shall be submitted to the Authority no later than 30 calendar days of conclusion of the emergency response activities		✖		
35. Utility - Sewer Lines - Vegetation maintenance activities that remove forest vegetation from existing sewer utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	✖			
(iii) Zone 1 impacts other than those listed above		✖		
36. Utility - Sewer Lines - Replacement / Rehabilitation of existing sewer lines within, or adjacent to, an existing right of way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g., grass with grass, hardwoods with hardwoods) is allowed to regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained				
(i) Permanent maintenance corridor equal to or less than 30 feet wide provided there is no grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream	✖			



609

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) Grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream and permanent maintenance corridor equal to or less than 30 feet wide		✖		
(iii) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts			✖	
37. Utility - Sewer Lines - New Line Construction / Installation Activities - Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide	✖			
(ii) Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		✖		
(iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			✖	
(iv) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts			✖	
38. Utility - Sewer Lines - New Line Construction / Activities - Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		✖		
(iii) Zone 1 impacts other than those listed above			✖	



610

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
39. Utility - Non-Sewer Underground Lines – Vegetation maintenance activities that remove forest vegetation from existing utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	✖			
(iii) Zone 1 impacts other than those listed above		✖		
40. Utility - Non-Sewer Underground Lines – Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Construction corridor of less than or equal to 50 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide	✖			
(ii) Construction corridor of greater than 50 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		✖		
(iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			✖	
(iv) Permanent maintenance corridor that is greater than 30 linear feet wide (mitigation is required only for Zone 1 impacts)			✖	
41. Utility - Non-Sewer Underground Lines – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		✖		
(iii) Zone 1 impacts other than those listed above			✖	
42. Utilities - Non-sewer aerial lines – Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards				



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(i) Disturb equal to or less than 150 linear feet wide of riparian buffer provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed; that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody	✖			
(ii) Disturb greater than 150 linear feet wide of riparian buffer		✖		
43. Utilities – Non-sewer aerial lines – Impacts other than perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards				
(i) Impacts in Zone 2 only	✖			
(ii) Impacts in Zone 1 provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed; that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody		✖		
44. Vegetation management				
(i) Emergency fire control measures provided that topography is restored	✖			
(ii) Periodic mowing and harvesting of plant products only in Zone 2	✖			
(iii) Placement of mulch ring around restoration plantings for a period of five years from the date of planting	✖			
(iv) Planting non-invasive vegetation to enhance the riparian buffer	✖			
(v) Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	✖			
(vi) Removal of individual trees, branches or limbs which are in danger of causing damage to dwellings, existing utility lines, other structures or human life, or are imminently endangering stability of the streambank provided that the stumps are left or ground in place without causing additional land disturbance	✖			
(vii) Removal of individual trees that are dead, diseased, or damaged	✖			



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(viii) Removal of poison ivy, oak, or sumac: Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replanted with non-invasive species	✖			
(ix) Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 2008. Invasive Plants of North Carolina. Dept. of Transportation. Raleigh, NC. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant then the riparian buffer shall be replanted with non-invasive species	✖			
(x) Removal of woody vegetation in Zone 1 provided that Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is complied with			✖	
45. Vehicle access roads and boat ramps (excluding parking areas) leading to surface water, docks, fishing piers, and other water dependent activities				
(i) Single vehicular access road and boat ramp to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 15 feet wide		✖		
(ii) Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 15 feet wide			✖	
46. Water dependent structures (except for boat ramps) as defined in 15A NCAC 02B .0202		✖		
47. Water supply reservoirs:				
(i) New reservoirs provided that a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is established adjacent to the reservoir		✖		
(ii) New reservoirs where a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is not established adjacent to the reservoir			✖	
48. Water wells	✖			
49. Wildlife passage structures		✖		



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 1.1.1 Mitigation

6.12.10-MITIGATION

Persons who wish to undertake uses designated as allowable with mitigation upon authorization as defined in Section 6.12.8C, Allowable With Mitigation Upon Authorization, or allowable with exception as defined in Section 6.12.8E, Allowable With Exception, shall meet the following requirements in order to proceed with their proposed use:

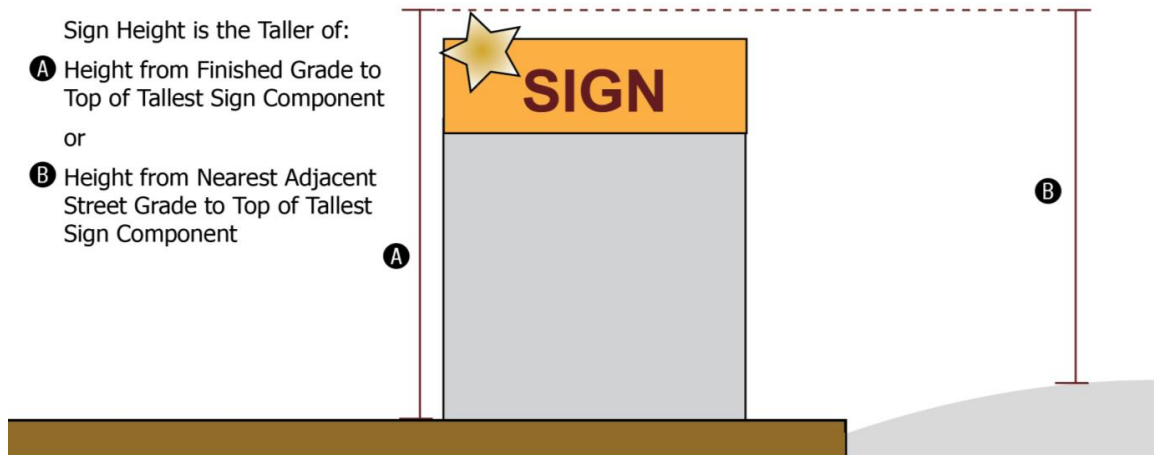
- ~~A. Obtain an authorization certificate pursuant to 15A NCAC 02B.0611; and~~
- ~~B. Obtain written approval for a mitigation proposal pursuant to 15A NCAC 02B.0295.~~



B. SIGN HEIGHT DETERMINATION

1. Sign height shall be computed as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign.
2. The finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

FIGURE 6.13.8.B, SIGN HEIGHT DETERMINATION

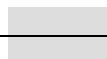


C. WALL AREA (FOR THE PURPOSES OF SIGN AREA MEASUREMENT)³¹

For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which shall be determined as follows:

1. The area of all parallel vertical surfaces along a single building elevation regardless of offsets shall be counted as one wall. This includes wall surfaces that are parallel or approximately parallel that may be located in front of or behind the primary façade plane.
2. The front of each unit of a multiple tenant **commercial** building shall be counted as a separate wall.
3. In cases where a single tenant occupies two or more individual tenant spaces in a multiple tenant building, the tenant shall only be permitted one wall sign. Calculation of the wall area for the purposes of sign area measurement shall include all the units occupied by the tenant.
- 2.4. In cases where the total number of tenant spaces being rented is in question, determination of the total number of tenant spaces shall be made in accordance with Section 2.3.9, Determination.
- 3.5. The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is most parallel with.

³¹ STN 13 Revised for clarity about when 1 tenant occupies 2 or more individual tenant spaces.



Chapter 6 Standards

Section 6.13 Signage

Sub-section 6.13.9 Sign Standards by Sign Type

I. SUBDIVISION SIGNS

1. DEFINITION	A ground sign located at the entrance to a subdivision consisting of two or more lots. Subdivision signs shall be located outside all street rights-of-way, unless permitted by the Engineering Director, and shall not be located on a lot with a principal building.					
2. DISTRICTS WHERE PERMITTED	CON, PUB	RESIDENTIAL, CZR	OFI, NCM	DTNC, DTNN, CZD, MXD, CZM	CRM, CZC	LID, HID, CZI
	No	Yes	Yes	Yes	Yes	Yes
3. DIMENSIONAL STANDARDS	MAXIMUM NUMBER OF SUBDIVISION SIGNS PER DEVELOPMENT			1 per development entrance		
	MAXIMUM HEIGHT			6 feet [1]		
	MAXIMUM SIGN FACE AREA			32 square feet [2] [3]		
	MINIMUM SETBACK FROM ANY LOT LINE			None		
	MINIMUM SETBACK FROM RIGHT-OF-WAY			5 feet		
	NOTES:	[1] Sign height shall be determined based on the higher of: the adjacent grade level or the grade level of the adjacent street. [2] The support structure for a subdivision sign configured as a ground sign shall not be included with the calculation of the maximum allowable sign face area. [3] Developments with 2 or more entries may have up to 64 square feet of subdivision sign provided that no single entry has a subdivision sign with a sign face area exceeding 32 square feet.				
4. ADDITIONAL REQUIREMENTS	a. Subdivision signs may only be configured as a ground sign.					
	b. Subdivision signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.					
	c. Subdivision signs that are illuminated shall comply with the applicable limitations on glare in Section 6.4, Exterior Lighting.					
5. SAMPLE CALCULATION	LEGEND A 6' Maximum Height B Maximum Sign Face Area = 32 sf (Support Structure Not Counted as Sign Area) C No Min. Setback from Lot Line D Minimum Setback from Right-of-Way = 5' E Sign Supporting Structure					



636

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.13 Signage

Sub-section 6.13.9 Sign Standards by Sign Type

L. WALL SIGNS³²

1. DEFINITION	Any sign, other than a projecting sign, that is mounted to or painted on an exterior building wall. Wall signs have only one sign face and are configured to be parallel to the building wall upon which they are located. Signs mounted perpendicular to a wall are "projecting" signs. Signs mounted from the ceiling of a building's canopy or overhang are "suspended" signs. Signs made of fabric or other material that moves are "banners" or "flags." Signs visible through a window are "window" signs.							
2. DISTRICTS WHERE PERMITTED	CON, PUB	RESIDENTIAL, CZR		OFI, NCM	DTNC, CZD, MXD, CZM	CRM, CZC	LID, HID, CZI	
	Yes	Yes		Yes	Yes	Yes	Yes	
3. DIMENSIONAL STANDARDS	DISTRICT	TYPE OF TENANCY	TYPE OF FAÇADE [1]	MAX. # OF SIGNS	TOTAL SIGN AREA/FAÇADE [2]			
	CON, PUB, RESIDENTIAL, CZR	All	Primary [3]	1	16 square feet			
	OFI, NCM	Single-tenant	Primary [3]	1	32 square feet			
		Multi-tenant	Primary [3]	1/tenant				
	ALL OTHERS	Single-tenant [4]	Primary	2	Lesser of: 1.5 sf <u>per</u> linear foot of building façade or 200 sf			
		Single-tenant [4]	Secondary	1	Lesser of: 1 sf <u>per</u> linear foot of building façade or 100 sf			
		Multi-tenant	Primary	1/tenant	Lesser of: 1.5 sf <u>per</u> linear foot of building façade or 200 sf			
		Multi-tenant	Secondary	1/tenant [5]	Lesser of: 1 sf <u>per</u> linear foot of building façade or 100 sf			
		Large format retail	Primary	4	Lesser of: 1.5 sf <u>per</u> linear foot of building façade or 200 sf			
		Large format retail	Secondary	2	Lesser of: 1 sf <u>per</u> linear foot of building façade or 100 sf			
	MAXIMUM MOUNTING HEIGHT		No wall sign shall extend above, below, or beyond the building wall to which it is attached [6]					
	MAXIMUM DISTANCE FROM A BUILDING CORNER OR MULTI-TENANT BOUNDARY		Wall signs shall be no less than 18 inches from the outside corner of a building wall or from the boundary of a tenant's wall frontage on a multi-tenant building					
	MINIMUM SETBACK FROM ANY LOT LINE		Same as the building [7]					

³² STN 14 clarify that it is 1.5 sf of wall sign area per linear façade foot, not divided by.



6.14.6 EROSION AND SEDIMENTATION CONTROL PLANS

A. PLAN SUBMISSIONS³³

1. A plan shall be prepared for all land-disturbing activities subject to this section whenever the proposed activity will disturb more than one acre on a tract.
2. Plans should be submitted per current Town standard procedures and policies.
3. Application fees for review of an erosion and sedimental control plan shall be in accordance with the Town's adopted fee schedule.

B. FINANCIAL RESPONSIBILITY AND OWNERSHIP

1. Plans shall be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the person financially responsible; (2) the owner of the land; and (3) any registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act, this section, or rules or orders adopted or issued pursuant to this section. Except as provided in Section 6.14.6C, Utilities, and Section 6.14.6K, Plan Appeals, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.
2. Plans shall be disapproved unless accompanied by documentation of property ownership.

C. UTILITIES

If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

D. PERFORMANCE GUARANTEE

1. A performance guarantee, configured in accordance with Section 2.3.19, Performance Guarantee, is required to ensure that stabilization of the site is achieved throughout the disturbed area in the event the contractor is unable to complete the project and shall be paid to the Town prior to the issuance of the Land Disturbance Permit.
2. The guarantee amount shall be equal to \$1,500/acre of land disturbance rounded to the nearest half acre.
3. The guarantee will be released once a certificate of completion is issued by the Town. A certificate of completion will be provided when the site is stabilized with a sufficient amount of ground cover to prevent erosion, or permanent mow-able planting with 100 percent coverage and 80 percent growth with no large bare patches.
4. The Town may cash the guarantee if the site is issued a continuing violation notice for ground stabilization.

³³ STNote 1 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



Chapter 6 Standards

Section 6.14 Soil Erosion & Sedimentation Control

Sub-section 6.14.6 Erosion and Sedimentation Control Plans

E. ENVIRONMENTAL POLICY ACT DOCUMENT

Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environment Policy Act (NCGS§ 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town shall promptly notify the person submitting the plan that the 30-day time limit for review of the plan pursuant to this section shall not begin until a complete environmental document is available for review.

F. CONTENT

The plan required by this section shall contain architectural or engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with these requirements. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the Town on request.

G. TIMELINE FOR DECISIONS ON PLANS³⁴

1. The Town will review each complete plan submitted to them and within 30 days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, or disapproved.
2. Failure to approve, approve with modifications, or disapprove a complete plan within 30 days of receipt shall be deemed approval, the same as the 30-day initial plan review.
3. The Town of Clayton will review each revised plan submitted to them and within 15 days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, or disapproved.

H. APPROVAL

1. The Town shall only approve a plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and State water quality laws, regulations, and rules.
2. The Town shall condition approval of plans upon the applicant's compliance with federal and State water quality laws, regulations, and rules.
3. Plan approval is contingent on land-disturbing activity commencing within a year of Land Disturbing Permit issuance.
4. Issuance and regulation of a Land Disturbance Permit shall be in accordance with Section 2.3.15, Land Disturbance Permit.

I. DISAPPROVAL FOR CONTENT

The Town may disapprove a plan or draft plan based on its content. A disapproval based upon a plan's content must specifically state in writing the reasons for disapproval.

J. OTHER DISAPPROVALS³⁵

1. The Town shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters.
2. The Town may disapprove an erosion and sedimentation control plan in accordance with Section 6.14.6K, Plan Appeals. or disapprove a transfer of a plan under Section 6.14.6L.

³⁴ STN 1 change added from Graham Parrish at DEQ in accordance with Model Ordinance.

³⁵ STN 1 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



Chapter 6 Standards

Section 6.14 Soil Erosion & Sedimentation Control

Sub-section 6.14.6 Erosion and Sedimentation Control Plans

Transfers **Section 6.14.6K, Plan Appeals**, upon finding that an applicant or a parent, subsidiary, or other affiliate of the applicant:

- a.** Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the Town pursuant to this section and has not complied with the notice within the time specified in the notice.
 - b.** Has failed to pay a civil penalty assessed pursuant to these standards by the time the payment is due.
 - c.** Has been convicted of a misdemeanor pursuant to NCGS§ 113A-64(b) or other aspect of these standards.
 - d.** Has failed to substantially comply with State rules or these regulations.
 - 3.** In the event that an erosion and sedimentation control plan or a transfer of a plan is disapproved by the Town pursuant to this sub-section, the Town shall notify the Director of the Division of Energy, Mineral, and Land Resources within ten days of the disapproval. The Town shall advise the applicant or the proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of **Section 6.14.6K, Plan Appeals**, the applicant may appeal the local government's disapproval of the plan directly to the Commission.
 - 4.** For purposes of this section, an applicant's record or the proposed transferee's record may be considered for only the two years prior to the application date.

K. PLAN APPEALS

- 1.** The appeal of a disapproval or approval with modifications of a plan shall be governed by the following provisions:
 - a.** The disapproval or modification of any proposed plan by the Town, may be appealed in accordance with **Section 2.3.2, Appeal**.
 - b.** If the Board of Adjustment upholds the disapproval or modification of a proposed plan following the hearing, the person submitting the plan shall then be entitled to appeal the decision to the Commission as provided NCGS§ 113A-61(c) and 15A NCAC 4B.0118(d).
- 2.** In the event that a plan is disapproved pursuant to **Section 6.14.6J, Other Disapprovals**, the applicant may appeal the Town's disapproval directly to the Commission.

L. TRANSFERS

The Town may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this section.

- 1.** The Town may transfer a plan if all of the following conditions are met:
 - a.** The successor-owner of the property submits to the Town a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.
 - b.** The Town finds all of the following:
 - i.** The plan holder is one of the following:
 1. A natural person who is deceased.
 2. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
 3. A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.



Chapter 7 Violations

Section 7.5 Enforcement Procedure

Sub-section 7.5.4 Remedy Upon Notice

4. TIME PERIOD FOR CORRECTION

The time period in which the violation must be corrected;

5. PENALTIES THAT MAY BE ASSESSED

That penalties or remedies may be assessed if the violation is not addressed within the time period for correction; and

6. APPEAL

That the responsible entity has the right to appeal the notice in accordance with Section 2.3.2, Appeal.

B. DELIVERY OF WRITTEN NOTICE³⁶

1. The notice of violation shall be delivered to the responsible entity and the landowner if the landowner is not the responsible entity, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.
2. The notice of violation may be posted on the property.
3. The Town official providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.
- ~~3.~~ 4. In the case of notice for a potential soil erosion and sedimentation violation, notice shall be issued by any means authorized under NCGS§ 1A-1, Rule 4, pursuant to NCGS§ 113A-61.1(c).

C. INITIAL NOTICE SHALL CONSTITUTE FINAL NOTICE

The initial written notice of a violation shall constitute final notice regarding a violation, though additional written notice may be provided, in the sole discretion of the Planning Director or other designated Town official.

7.5.4 REMEDY UPON NOTICE

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the time period for correction stated in the notice of violation.

7.5.5 FAILURE TO COMPLY WITH ORDER

If the landowner or responsible entity fails to comply with a notice of violation from which no appeal has been taken, or fails to comply following a final decision by the Board of Adjustment on an appeal, the landowner or responsible entity shall be subject to such remedies and penalties as may be provided for by State law or Section 7.6, Remedies.

7.5.6 EACH DAY A SEPARATE VIOLATION

Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

³⁶ STNote 2 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



7.9 VIOLATION OF SOIL EROSION AND SEDIMENTATION CONTROLS

Violations of the Town's erosion control and sedimentation standards (see Section 6.14, Soil Erosion & Sedimentation Control) shall be subject to the provisions of this Chapter as well as the following:

7.9.1 CIVIL PENALTIES

1.A. GENERALLY

Any responsible entity who accidentally or inadvertently violates any of the provisions of Section 2.3.21J.5, Erosion Control Permit, or Section 6.14, Soil Erosion & Sedimentation Control, or who initiates or continues a land-disturbing activity for which an erosion control or sedimentation plan is required, or fails to comply with the provisions of an approved erosion control and sedimentation plan, shall be subject to a civil penalty in accordance with the following:

- a.1. The maximum civil penalty amount the Town may assess per violation is \$5,000.
- b.2. A civil penalty may be assessed from the date of the violation, and each day of a continuing violation shall constitute a separate violation.
- c.3. When the responsible entity has not been assessed any civil penalty under this section for any previous violation, and that responsible entity has abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this section for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is \$25,000.

2.B. ENVIRONMENTAL IMPACTS

- a.1. In addition to the civil penalties provided with the Town's fee schedule, the Town may also assess a one-time civil penalty of \$5,000 on the day of the violation for off-site sedimentation damage especially in the case of damage to a body of water, wetlands, or riparian buffer.
- b.2. Any malicious or intentional destruction of silt fencing or other sedimentation and erosion control device will result in a one-time civil penalty of up to \$1,000.

3.C. REPEAT OFFENSES

- a.1. An additional civil penalty of \$1,000 per day shall be charged to any responsible entity assessed a civil penalty for any violation of these standards within the prior two years.
- b.2. A responsible party may be assessed a civil penalty from the date the violation is detected if the deadline stated is not met.
- c.3. Each day of a continuing violation shall constitute a separate violation.

4.D. CIVIL PENALTY ASSESSMENT FACTORS

The Engineering Director shall determine the amount of the civil penalty based upon the following factors:

- a.1. The degree and extent of harm caused by the violation;
- b.2. The cost of rectifying the damage;
- c.3. The amount of money the responsible entity saved by noncompliance;
- d.4. Whether the violation was committed willfully, and therefore subject to Section 7.6.3, Criminal Penalties; and
- e.5. The prior record of the responsible entity in complying or failing to comply with the Town's standards for erosion and sedimentation control.



Chapter 7 Violations

Section 7.9 Violation of Soil Erosion and Sedimentation Controls

Sub-section 7.9.2 Criminal Penalties

5.E. NOTICE OF PENALTY ASSESSMENT³⁷

- a.1.** The Engineering Director shall provide notice of the civil penalty amount and basis for assessment to the responsible entity in accordance with NCGS§ 1A-1, Rule 4.
- 2.** A notice of assessment shall direct the responsible entity to either pay the assessment, contest the assessment within 30 days by filing an appeal (see Section 2.3.2, Appeal), or file a request with the Sedimentation Control Commission Town for remission of the assessment within ~~60~~ 30 days of receipt of the notice of assessment.
- b.3.** In cases where a remission request is filed by a violator, is accepted by the Town, and resolves the violation, in the sole discretion of the Engineering Director, it shall be necessary to transmit the request to the Sedimentation Control Commission, and the Town shall resolve the violation and penalty assessment with the violator in accordance with NCGS§ 113A-64.2. Appeals of the decision of the Engineering Director shall be made to the Sedimentation Control Commission.
- c.4.** A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to NCGS Chapter 150B and a stipulation of the facts on which the assessment was based.

6.F. REMISSION OF CIVIL PENALTY ASSESSMENT³⁸

A request for remission of a civil penalty imposed under NCGS§ 113A-64 may be filed with the North Carolina Sedimentation Control Commission within ~~60~~ 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to NCGS § 150B-31 and a stipulation of the facts on which the assessment was based.

7.G. COLLECTION³⁹

- a.1.** If payment is not received within 60 days after it is due, the Town may institute a civil action to recover the amount of the assessment.
- b.2.** The civil action may be brought in the Johnston County Superior Court, or the County Superior Court of the responsible entity's residence or principal place of business.
- c.3.** Such civil actions must be filed within three years of the date the assessment was due.
- d.4.** An assessment that is not contested and a remission that is not requested is due when the responsible entity is served with a notice of assessment.
- 5.** An assessment that is contested or a remission that is requested is due at the conclusion of the administrative and judicial review of the assessment.
- e.6.** Penalties collected by the Town shall be forwarded to the Civil Penalty Forfeiture Fund in accordance with NCGS § 115C-457.2.

B.7.9.2 CRIMINAL PENALTIES

Any person who knowingly or willfully violates any provision of Section 2.3.21J.5, Erosion Control Permit, or Section 6.14, Soil Erosion & Sedimentation Control, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion control and sedimentation plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor pursuant to NCGS§ 113A-64. Any responsible entity who engages in this conduct shall, upon conviction thereof, be fined not more than \$5,000.

³⁷ STNote 3 change added from Graham Parrish at DEQ in accordance with Model Ordinance.

³⁸ STNote 3 change added from Graham Parrish at DEQ in accordance with Model Ordinance.

³⁹ STNote 3 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



Chapter 8 Word Usage

Section 8.3 Terms Defined Multi-Use Path

TABLE 8.3: TERMS DEFINED

TERM	DEFINITION(S)
MULTI-USE PATH	A form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, bicycling, inline skating, and people in wheelchairs. Paths <u>are</u> typically surfaced with asphalt or concrete and are located within public street rights-of-way. <u>A sidepath is a multi-use path.</u>
MURAL	A painting or other work of art executed directly on a wall.
N	
NATIONAL FLOOD INSURANCE PROGRAM	A program operated by the Federal Emergency Management Agency that provides flood insurance for development within areas within a community that are susceptible to flooding and establishes a set of standards for development as a condition of participation in the program.
NATIVE TREE	See "Tree, Native."
NATIVE VEGETATION	Plants that are endemic or naturally occurring within a specified area.
NATURAL EROSION	For the purposes of Soil Erosion and Sedimentation, the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
NATURAL HERITAGE AREA	A site designated by the federal government to encourage historic preservation of the area and an appreciation of the history and heritage of the site.
NEIGHBORHOOD	A distinct area including two or more building lots that share some defining characteristics such as the type of development, the time of development, architecture, general location, socio-economic or demographic characteristics, or other feature that allows the area to be distinguished as a single unit from its surroundings.
NEIGHBORHOOD INFORMATION MEETING	A meeting conducted by the applicant of a proposed development with those in the area around the proposed development.
NEON LIGHTING	See "Luminous Tube Lighting."
NEW CONSTRUCTION	For the purposes of the Flood Protection Overlay District standards, structures for which the start of construction commenced on or after June 16, 1987, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.



765

Town of Clayton | **Last Update**
Unified Development Ordinance | ~~11-20-23~~ **4.15.24**

Chapter 8 Word Usage

Section 8.3 Terms Defined

Septic Tank

TABLE 8.3: TERMS DEFINED

TERM	DEFINITION(S)
SEPTIC TANK	An on-site sewage treatment or storage device.
SETBACK	A required distance from a lot line or development boundary for a principal or secondary building and some required site features, as determined in accordance with Section 3.6.8, Setbacks .
SEVERE PRUNING	The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.
SEXUALLY-ORIENTED BUSINESS	Any place defined as an "adult establishment" by NCGS§ 14-202.10, except that the use type shall not include an adult bookstore, adult video store, adult cabaret, or adult motel as identified and defined in this Ordinance. Another adult use shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy use, or other similar health-related use provided the person rendering or receiving a massage does not exhibit or include "specified anatomical areas" as defined by NCGS§ 14-202.10.
SHADE TREE	See "Tree, Shade."
SHARED DRIVEWAY	See "Driveway, Shared."
SHIELDING (OR SHIELDED)	A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SHRUB, EVERGREEN	A shrub that retains the majority of its leaves or needles throughout the year.
SIDE FAÇADE	See "Façade, Side."
SIDEPATH	See "Multi-Use Path."
SIDEWALK	A paved area running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
SIGHT DISTANCE TRIANGLE	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.



789

Town of Clayton | Last Update
Unified Development Ordinance | [11-20-23](#) [4.15.24](#)

Chapter 8 Word Usage

Section 8.3 Terms Defined

Use, temporary

TABLE 8.3: TERMS DEFINED

TERM	DEFINITION(S)
USE, TEMPORARY	A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.
UTILITY POLE	For the purposes of the communications use-specific standards, a structure that is designed for and used to carry cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless telecommunication services that is located outside the public right-of-way.
UTILITY POLE, PUBLIC	For the purposes of the communications use-specific standards, a utility pole owned, leased, or operated by the Town that is located in the public right-of-way.
UTILITY, MAJOR	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas citygates, and solid waste facilities. Facilities generating energy from solar radiation are solar energy conversion uses. Facilities generating energy from the wind are wind energy conversion uses.
UTILITY, MINOR	Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, electrical substations, and surface transportation stops such as bus stops and park-and-ride facilities.
V	
VARIANCE	A grant of relief from the requirements of this Ordinance. A variance may grant relief from water-related standards (stormwater, stream/riparian buffers, water supply watershed, or special flood hazard area) or relief from other zoning or subdivision standards in this Ordinance.
VEGETATION PROTECTION PLAN	See "Plan, Vegetation Protection."
VEGETATIVE COVER	The presence of vegetation (whether tree, shrubs, or ground cover) in a particular location.
VEHICLE PAINTING/ BODYWORK	Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.
VEHICLE PARTS AND ACCESSORY SALES	The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to bed liners, toolboxes, truck tops, or audio systems. Such uses do not include the sale of gasoline or other fuels.
VEHICLE REPAIR (NON-COMMERCIAL)	The non-commercial servicing or repair of a personal vehicle on private property.



809

Town of Clayton | Last Update
Unified Development Ordinance | ~~11-20-23~~ 4.15.24



UDOTA 1-24 SUMMARY TABLE

Last Table Update: 3-13-24

PB packet due 3/15/24 – PB Meeting 3/25/24 – TC Work Session 4/1/24 – TC Adoption 4/15/24

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
1	2-16-24	Joshua	Erosion Control Plans	6.14.6	638	Graham Parrish of DEQ provided a series of changes to the Erosion Control Plan requirements based on the NC Model Ordinance. These changes are included.
2	2-16-24	Joshua	Erosion Control Enforcement	7.5.3.B	682	Clarification that delivery of a NOV regarding erosion or sedimentation is in accordance with applicable NCGS
3	2-16-24	Joshua	Erosion Control Enforcement	7.9.1.E,F, G	690	Remission requests must be requested within 30 days, not 60. The Town has opted to accept the ability to consider and process remission requests.
4	2-16-24	Joshua	Riparian Buffers	2.3.29; 6.12	148, 152, 591	Removal of riparian buffer variance provisions, removal of riparian buffer standards in Section 6.12 in favor of short sentences cross referencing the NCAC
5	2-16-24	Staff	Development Entry Points	Table 6.5.12.F.7	502	The table is unclear about development with 100 units
6	2-16-24	Staff	Neighborhood Meeting	2.4.4.	161	Requirement is that staff not be allowed to attend; also, that it be done 10 days. Need to allow staff and flexibility with regards to the meeting being held.
7	2-16-24	Staff	Wastewater Typo	Table 6.5.10.	492	This should read correctly and not refer to waste water or sewer. Also, need to clarify the requirements for mandatory connection to potable water if not a residential subdivision.
8	2-16-24	Staff	Trucks & Trailers	4.5.5.W.	369	Heavy trucks are allowed in non-residential... restrictions of these vehicles are only in Residential. We have a tractor trailer in CRM on NCDOT.  W. PARKING OF HEAVY TRUCKS OR TRAILERS 1. The parking or storage of motorized vehicles in excess of 10,000 pounds of gross vehicle weight, or with more than two axles, shall be prohibited in all residential districts except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes. 2. The parking or storage of non-motorized vehicles with more than two axles shall be prohibited in all residential districts except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes. 3. In no instance shall a non-motorized vehicle have an overall length exceeding 22 feet not including the tongue or towing assembly. 4. No apparatus designed to be used as a motor vehicle or designed to be towed by a separate motorized unit or vehicle shall be used for the purposes of storage in any residential district.
9	2-16-24	Staff	Traffic Assessment	2.3.27.C.	142	Revise to "may require" instead of Shall C. TRAFFIC ASSESSMENT OPTION 1. In cases where the number of vehicle trips is not known (such as in the case of a Conventional Rezoning application), or in cases where the proposed uses will not result in 100 or more vehicle trips during any peak hour nor more than 1,000 vehicle trips per day, the Engineering Director <u>shall</u> require a Traffic Assessment instead of a Transportation Impact Analysis. 2. A Traffic Assessment is a general investigation of anticipated traffic on adjacent roadway capacity and function as opposed to detailed estimates of the number of trips and steps necessary to maintain a minimum operating level of service.

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description																						
10	2-16-24	Staff	Deviations & Reductions	3.3.1.E.4.	231	This implies that minimum standards aren't being met. Page 232 of .pdf, Section 4. We need to make sure that minimum UDO standards are being met; suggest change from “deviation” to some other word to avoid suggestion of ‘deviance’ from the UDO.																						
11	2-16-24	Staff	Parkland Dedication	6.7.2.	554	Says 5 or more; should read more than 5 or 6 or more so that minor subdivisions aren't needing to provide parkland dedication. This would align it with Open Space requirements. 6.7.2 PARKLAND DEDICATION Subdivisions of land for five or more single-family residential lots (including detached or attached units) shall be required to dedicate a portion of the land, or pay a fee-in-lieu thereof, for public parkland, in accordance with the standards of this section. A. DEDICATION AMOUNT 1. Single-family residential subdivisions of five or more lots shall dedicate 1,244 square feet of land per residential lot or principal dwelling unit to the Town for its use in developing public parkland. 2. No credit towards required parkland dedication is given for lands mandated for preservation by State or federal requirements. 3. No more than 25 percent of the total dedication requirement may be met through dedication of water areas. B. DEDICATION OR PAYMENT OF FEE-IN-LIEU PROCEDURE 1. The developer or landowner, as appropriate, shall identify land proposed for dedication or propose payment of a fee-in-lieu as part of the application for approval in accordance with Section 2.3.13, <u>Fee-in-Lieu</u>. D. MINIMUM OPEN SPACE SET-ASIDE REQUIREMENTS 1. AMOUNT a. The minimum required amount of open-space set-aside, as a percentage of a development's size, shall be in accordance with the dimensional standards for the type of use in the zoning district where the development is located. Chapter 3, Districts, sets out the open space set-aside requirements for each zoning district. b. Nothing shall limit the provision of more open space set-aside, provided the minimum requirements in this Ordinance are met. 2. TYPE a. Table 6.7.1.D, Open Space Type, identifies the form(s) of open space set-aside required by this Ordinance. <table><caption>TABLE 6.7.1.D: OPEN SPACE SET-ASIDE TYPE</caption><thead><tr><th>ZONING DISTRICT Where Located [1]</th><th colspan="2">TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]</th></tr></thead><tbody><tr><td>CRM, HD, LID, NCM, OF, CZC, CZI</td><td colspan="2">Passive Open Space [3]</td></tr><tr><td>DTNC, DTNN, DTNT, CZD</td><td colspan="2">Gathering Space [4]</td></tr><tr><td>MXD, CZM</td><td colspan="2">Active Open Space [5]</td></tr><tr><td>PUB</td><td colspan="2">Passive Open Space [5]</td></tr><tr><td rowspan="3">RHD, RLL, RLD, RMD, RMF, RUH, CZR</td><td>Residential Development with 6 or more units</td><td>50% Active Open Space or Gathering Space [5]</td></tr><tr><td>Residential Development with 5 or fewer units</td><td>N/A</td></tr><tr><td>All Other Development</td><td>Passive Open Space [5]</td></tr></tbody></table> NOTES: [1] The type of open space set-aside provided may deviate from these requirements as part of a Type 3 Conditional Re-zoning. [2] See Section 6.7.1.E, Open Space Set-Aside Configuration, on allowable forms of development and configuration. [3] Development may provide some or all of the required open space set-aside as active open space or gathering space, at the discretion of the applicant. [4] Development may provide some or all of the required open space set-aside as active open space.	ZONING DISTRICT Where Located [1]	TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]		CRM, HD, LID, NCM, OF, CZC, CZI	Passive Open Space [3]		DTNC, DTNN, DTNT, CZD	Gathering Space [4]		MXD, CZM	Active Open Space [5]		PUB	Passive Open Space [5]		RHD, RLL, RLD, RMD, RMF, RUH, CZR	Residential Development with 6 or more units	50% Active Open Space or Gathering Space [5]	Residential Development with 5 or fewer units	N/A	All Other Development	Passive Open Space [5]
ZONING DISTRICT Where Located [1]	TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]																											
CRM, HD, LID, NCM, OF, CZC, CZI	Passive Open Space [3]																											
DTNC, DTNN, DTNT, CZD	Gathering Space [4]																											
MXD, CZM	Active Open Space [5]																											
PUB	Passive Open Space [5]																											
RHD, RLL, RLD, RMD, RMF, RUH, CZR	Residential Development with 6 or more units	50% Active Open Space or Gathering Space [5]																										
	Residential Development with 5 or fewer units	N/A																										
	All Other Development	Passive Open Space [5]																										
12	2-16-24	Staff	Conservation Subdivision	Table 2.2.2	52	Subdivision Types, Conservation Subdivisions isn't in this type.																						
13	2-16-24	Staff	Multi-Tenant	Figure 6.13.8.C.	618	When you have a single tenant occupying multiple multi-tenant suites, is it clear in the UDO: E.g., "Rise" was occupying "left feet" or Pei Wei the yellow signs... do they get a sign on each tenant suite or one sign based on total linear feet. Also, consider this for multi-story building with multi-tenants in downtown. Example below, pink is multi-tenant on two story and red showing one tenant occupying multiple tenant suites.																						

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
						
14	2-16-24	Staff	Wall Sign	6.13.9.L.	632	Is this SF per Linear Foot or SF divided by Linear Foot? So, for 100 linear feet sign area would be 150 SF or 100 divided by 1.5 so 66 SF?
15	2-16-24	Staff	Typo	6.1.4.D.3. a.	417	Typo: "own" not "on" 3. REQUIRED NUMBER a. The maximum number of driveway access points serving an individual single-family detached, duplex, triplex, or quadplex dwelling on its lot shall be two, but the lot
16	2-16-24	Staff	RV's parked in front of house?	4.5.5.X.4.	831	This requirement may be difficult to enforce.
17	3-11-24	Staff	CZR Density for multifamily	3.3.6.B	235	Added language clarifying that residential development not permitted in RMD should follow the dimensional standards for RMF when proposed in CZR
18	3-11-24	Staff	Incentives	3.5.1	240	Remove circular reference regarding conditional rezoning density incentives. Clarify that densities can be stacked or added
19	3-11-24	Staff	Use Table	4.2.5	290	Remove transfer station as a permitted use in HID and RUR
20	3-11-24	Staff	Use Table	4.2.5		Relocate all forms of self-storage to CZI from LID
21	3-11-24	Staff	Private Streets/Gates	6.5.12.G.6	504	Clarify that gates may be included across a driveway
22	3-11-24	Staff	Exempt Subdivisions	2.3.12	86	Clarify that the statutes explain the exempt subdivision
23	3/11/24	Patrick Pierce	TRC attendance	1.8.6	35	Concern over the Planning Director determining who can attend a TRC meeting
24	3/11/24	Staff	Pedestrian facilities	2.3.13	90	Why are trails listed in FIL when these are private features not required by the UDO? Also, what is a sidepath?
25	3/11/24	Patrick Pierce	Setbacks	3.6.8	252	What is the relationship between setbacks and easements or landscaping areas? Setbacks are measured from lot lines, correct?
26	3/11/24	Consulting Team	Street Connectivity Index	6.5.12.F.6	506	Clarify that only street stubs located at property boundaries may qualify as links in the street connectivity index
27	3/11/24	Consulting team	Wastewater Connection	6.5.13.B	512	As was done with potable water, the sewer connection standards need to be revised to clarify the rules for single-lot developments.
28	3/11/24	Patrick Pierce	Setbacks and easements	6.6.9.E	524	How are setbacks measured when there is a utility easement or landscaping buffer running parallel to the lot line?
29	3/11/24	Patrick Pierce	Greenway reservation	6.10.1	588	The greenway reservation requirement for additions and expansions is too high and should

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
						be relaxed to encourage additions and expansions of existing buildings
30	3/11/24	Patrick Pierce	Sidewalk provisions	6.10.2	591	The greenway reservation requirement for additions and expansions is too high and should be relaxed to encourage additions and expansions of existing buildings
31	3.12.24	Staff	Subdivision Signs	6.3.19.I	618	Need to clarify if there are limits to the size of a sign supporting structure
32	3.11.24	Patrick Pierce	Street Renaming	2.3.24		Do Town-initiated street renaming's require a petition?
33	2-16-24	Staff	Change of Use	5.4.3.	401-2	This may stifle local upstart businesses... in areas outside of downtown. 5.4.3 CHANGE OF USE A. Except on lots in the Downtown district, in cases where an existing principal use in a single-tenant building is replaced by a different use type, or a vacant principal structure is proposed for occupancy by a new principal use, all nonconforming site features shall be brought into full compliance with all applicable requirements in this Ordinance. B. In cases where the principal use within a principal structure on a lot within the Downtown district is subject to a change in use, nonconforming site features associated with screening, fences, walls, and exterior lighting shall be brought into full compliance with all applicable requirements of this Ordinance. Full compliance with off-street parking, landscaping, or open space set-aside shall not be required, but are encouraged.

Consistency Statements Sheet

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

Staff Recommends the Option in Red Bold Text

Option 1: Approval – Consistent with the 2045 Comprehensive Growth Plan

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

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

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

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

Option 2: Approval – Inconsistent with the 2045 Comprehensive Growth Plan⁴

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

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

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

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

Option 3: Denial – Consistent with the 2045 Comprehensive Growth Plan

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

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

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

- The 2045 Comprehensive Growth Plan does not encourage an up-to-date Unified Development Ordinance.
- The request is incompatible with providing a relevant and community-reflective land use regulatory framework.

Option 4: Denial – Inconsistent with the 2045 Comprehensive Growth Plan

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

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

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

- The 2045 Comprehensive Growth Plan does not encourage an up-to-date Unified Development Ordinance.
- The request is incompatible with providing a relevant and community-reflective land use regulatory framework.

UNIFIED DEVELOPMENT ORDINANCE



 C O D I F Y
CLAYTON

Adopted: 11.20.23
Effective: 1.2.24
Amended: 4.15.24



ACKNOWLEDGEMENTS



Town Council

Jody McLeod, Mayor
~~Michael Sims~~ ~~Jason Thompson~~, Mayor Pro Tem
~~Avery Everett~~ ~~Ruth Anderson~~, Councilmember
Andria Archer, Councilmember
Porter Casey, Councilmember
~~Gretchen Williams~~ ~~Michael Sims~~, Councilmember

Planning Board

James Moore, Chair
~~Steven Powers~~, Vice-Chair
~~Jeffrey Spence~~
~~Lisa Begley~~ ~~Derrick Applewhite~~
~~Anita Bland~~ ~~Ethan Bennett~~
~~Jodie Dupree~~
~~Daniel Gleason~~
~~Kevin Lee~~
~~James Lipscomb~~
~~Jeffrey Spence~~
~~Mike Surasky~~
Ronald Williams
~~Kevin Lee~~
~~Ethan Bennett~~
~~James Lipscomb~~
~~Jodie Dupree~~

Codify Clayton Steering Committee

Town of Clayton Planning Board
Marty Bizzell, Chair, Board of Adjustment
Thomas Antoine, Vice-Chair, Board of Adjustment
Rebecca Berry, Member, Board of Adjustment
Jim Perricone, Member, Board of Adjustment

Town Staff

Rich Cappola, Town Manager
Lee Barbee, ~~Interim~~ Deputy Town Manager ~~Fire Chief~~
~~Dolores Gill~~, ~~Deputy Town Manager~~
~~David Ranes~~, ~~Fire Chief~~
~~Anthony Atkinson~~, ~~Deputy Fire Chief/Fire Marshal~~
~~Robert Yarborough~~ ~~Barry Alston~~, ~~Senior Building Codes~~
~~Official~~ ~~Interim Building Inspections Director~~
~~Anthony Atkinson~~, ~~Deputy Fire Chief/Fire Marshal~~

APPENDIX 1. STYLE SET



Joshua Baird, Engineering Director
Patrick Pierce, Economic Development Director
Byron Poelman, Water Resources Director
Allen Turnage, Electric Director
Ethan Poppe, Energy Services Technician
Conrad Olmedo, Planning Director
~~Dede Bumgarner, Development Services Manager & Zoning Administrator~~
Steven Mott, Planner II
Bruce Venable, Planner I

Consultant

CodeWright Planners, LLC
Angela S. Manning, Inc
Timmons Group



UDO AMENDMENTS

UDO AMENDMENTS		
ORDINANCE NUMBER	ORDINANCE DATE	DESCRIPTION
<u>UDOTA 1-24</u>	<u>4.15.24</u>	<u>§1.8.6 No exclusion of TRC members from a TRC meeting</u> <u>§2.2.2 Add conservation subdivisions to the subdivision types table</u> <u>§2.3.8 Conventional Rezoning only processed in accordance with Town's schedule</u> <u>§2.3.12 Clarify exempt subdivisions identified in NCGS</u> <u>§2.3.13 Removal of trail from fee-in-lieu procedure (trails are private and not required like greenways or sidewalks); revise term "sidepath" to "multi-use path" (also changed in §6.10.1 & 8.3)</u> <u>2.3.24 Clarify that a Town-initiated street renaming does not require a petition</u> <u>§2.3.27 Revise traffic assessment from "shall" require to "may" require</u> <u>§2.3.29 Revise Riparian Buffer provisions to clarify administration by the State, not the Town</u> <u>§2.4.4 Remove the timing requirement from neighborhood meetings, and permit Town staff to attend in accordance with Planning Directro discretion</u> <u>§3.2.12 Duplexes, triplexes, and quadplexes no longer permitted by right (CZR district option still available)</u> <u>§3.2.15 Duplexes no longer permitted by right (CZR district option still available)</u> <u>§3.3.1 Clarify that Type 3 Conditional Rezoning with deviation requests are expected to result in higher quality development</u> <u>§3.3.6 Clarify the default dimensional standards that would apply for higher density residential uses in the CZR district</u> <u>§3.5.1 Remove circular cross reference to conditional zoning districts permitting higher residential densities and clarify that density incentives may be combined in the same development</u> <u>§3.6.8 Clarify that district setbacks are measured from lot lines, not from easements or required landscaping areas</u> <u>§4.5.5.W Clarify that parking of heavy trucks and trailers is prohibited in more than just residential districts</u> <u>§4.5.5.X Clarify that recreational vehicles must be parked on an improved surface</u> <u>§6.5.10 Clarified water extension requirements for single-lot developments</u> <u>§6.5.12.F.6 Add provisions addressing performance guarantees when street stubs can not be extended to property boundaries; also clarify that internal street stubs are not credited as links in the street connectivity index</u> <u>§6.5.12.F.7 Clarify the rules surrounding development entry points</u> <u>§6.5.12.G Move vehicular gates out of private street standards and into its own sub-section; clarify private drives and driveways may have gates</u> <u>§6.5.13 clarified sewer extension requirements for individual developments</u> <u>§6.6.9 Clarified how setbacks are measured if there are conflicts with required landscaping or easements</u> <u>§6.7.1 Clarify that open space set-aside is not required for minor subdivisions and some forms of residential development</u> <u>§6.7.2 Clarifies parkland dedication is not required for minor residential subdivisions</u> <u>§6.10.1 Softens greenway provision requirements for additions and expansions of existing buildings</u> <u>§6.12 Revision of Riparian Buffer rules to clarify the State's responsibility for enforcement</u> <u>§6.13.8.C Clarifies how wall signage is determined for tenants in multi-tenant buildings who rent more than one space in the same building</u> <u>§6.13.9 Clarify that sign supporting structures do not have maximum areas; walls sign measurement is wall sign area per linear foot of building facade</u> <u>§6.14.6 Updates to Soil Erosion & Sedimentation Control provisions (also changed in §7.5.4 & §7.9.1)</u>

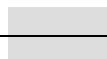


TABLE 2.2.1: APPLICATION TYPES TABLE

Process Type: see [Section 2.2.3, Process Diagrams](#)

Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable

Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal

Type of Public Hearing: () = Legislative; || = Evidentiary

[#] = Table Note (see end of table)

APPLICATION TYPE	UDO SECTION	PROCESS TYPE	PRE-APP. CONF.	TECH. REVIEW COMMITTEE	TOWN STAFF [1]			PLANNING BOARD	TOWN COUNCIL	BOARD OF ADJUSTMENT	SUPERIOR COURT
					BUILDING INSPECTOR	ENGINEERING DIRECTOR	PLANNING DIRECTOR				

NOTES:

[1] Decision-making authority may be delegated in accordance with [Section 8.2.8, Delegation of Authority](#).

[2] Appeals are filed with the North Carolina Commissioner of Insurance.

[3] In cases where a Conditional Rezoning application includes a Concept Plan, the TRC shall review the plan prior to consideration by the Planning Board.

[4] Approval of a Conservation Subdivision also requires approval of a Major Preliminary Plat.

[5] The Engineering Director shall make determinations on matters pertaining to stormwater, erosion control, and infrastructure requirements.

[6] The review authority responsible for making the decision on the associated development application shall also be responsible for making the decision on a Town-mandated Fee-In-Lieu request.

[7] The review authority responsible for making the decision on the associated development application shall also be responsible for making the decision on a Performance Guarantee request. Requests for Performance Guarantees filed after an associated application approval shall be decided by the Planning Director.

[8] Alternative Sign Plan requests shall be reviewed and decided by the Planning Director.

[9] Site Plans that include changes to or extension of public infrastructure shall include construction drawings, which shall be decided by the Engineering Director.

[10] The TRC shall review the Concept Plan prior to consideration by the Board of Adjustment.

[11] The Environmental Management Commission shall decide Major Water Supply Watershed and Riparian Buffer Variance applications.

2.2.2 SUBDIVISION TYPES²

The Subdivision Types Table below identifies the range of subdivision types addressed by this Ordinance, including details on the maximum number of lots that may be created, minimum tract size before division, whether or not the subdivision involves the extension of public infrastructure, and whether or not the lots in the subdivision must comply with the zoning district dimensional standards. Each subdivision process is described in more detail in [Section 2.3, Application Types](#).

² STN 12 - Add reference to conservation subdivision



Chapter 2 Applications

Section 2.2 Application Summary Tables

Sub-section 2.2.2 Subdivision Types

TABLE 2.2.2: SUBDIVISION TYPES TABLE

COMMON SUBDIVISION OR DEVELOPMENT TYPE	NUMBER OF LOTS INVOLVED (#)	INITIAL TRACT SIZE (ACRES)	INVOLVES EXTENSION OF PUBLIC INFRA. (YES/NO)	COMPLIANCE WITH DISTRICT DIMENSIONAL STANDARDS	APPLICATION TYPE [1]	UDO SEC.
<u>Conservation Subdivision</u>	<u>6 or more</u>	<u>N/A</u>	<u>Yes</u>	<u>No</u>	<u>Major Subdivision</u>	<u>2.3.7</u>
Combination/ Recombination [2]	N/A	N/A	No	No	Exempt Subdivision	2.3.12
Court-ordered Subdivision [3]	N/A	N/A	No	No	Exempt Subdivision	2.3.12
10+-Acre Estate Lot Subdivision	[4]	N/A	No	Yes	Exempt Subdivision	2.3.12
Family Subdivision [5] [6]	Up to 2	N/A	No	Yes	Minor Subdivision	2.3.18
Governmental Acquisition	N/A	N/A	No	No	N/A	5.2.5
Limited Subdivision	Max. of 3	5 or more	No	Yes	Limited Subdivision	2.3.16
Major Subdivision [7]	2 or more	N/A	Yes	Yes	Major Subdivision	2.3.17
Minor Subdivision [8]	Up to 5	N/A	No	Yes	Minor Subdivision	2.3.18
Special Purpose Lot / Easement Plat [9]	N/A	N/A	No	No	N/A	3.4.5
Two Acres into Three Lots	Max. of 3	2 or less	No	Yes	Exempt Subdivision	2.3.12

NOTES:

[1] Regardless of the subdivision process type noted in this table, subdivisions that include the extension of public infrastructure shall be reviewed as a Major Subdivision.

[2] Combinations / recombinations that result in lots that do not meet the minimum dimensional standards for the zoning district where located shall be reviewed as a Minor Subdivision.

[3] Lots within a Court-ordered Subdivision are not required to comply with the dimensional requirements for the zoning district where located.

[4] All lots created shall be at least 10 acres in area or larger, otherwise the subdivision shall be reviewed as a Minor or Major Subdivision, based on the number of lots created.

[5] Family subdivisions are subdivisions created for conveyance between husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews and shall be reviewed as an exempt subdivision, a limited subdivision, or a minor subdivision, as appropriate.

[6] May be reviewed as an Exempt Subdivision or a Limited Subdivision, based on the number of lots created.

[7] Minor subdivisions of 6 or more shall be reviewed as a Major Subdivision even if the subdivision does not include the extension of public infrastructure.

[8] Lots must comply with district dimensional standards except for combinations or recombinations of existing lots.

[9] May be accomplished as part of a subdivision establishing new development or as its own Exempt Subdivision.



2.3.8 CONVENTIONAL REZONING

A. PURPOSE AND INTENT

This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map to establish or revise a conventional zoning district or overlay zoning district boundary whenever the public necessity, general welfare, the Town's adopted policy guidance, or appropriate land use practices justify or require doing so.

B. APPLICABILITY

This procedure is solely for the establishment of a conventional zoning district or overlay zoning district designation on land within the Town's planning jurisdiction.

C. APPLICATION³

1. Applications may be initiated by the Town Council, the Planning Board, the Planning Director, a landowner(s), or a contract purchaser(s) of the land in the proposed application. Conventional Rezoning applications shall only be processed in accordance with the Town's conventional rezoning application processing schedule, on file in the office of the Planning Department.
2. In no instance shall the Town accept third-party rezoning applications submitted by persons who are not owners or agents authorized to act on behalf of landowners.
3. Applications for a Conventional Rezoning shall not include a Concept Plan or any applicant-sponsored conditions.
4. Applications shall include a Traffic Assessment when required by Section 2.3.27, Transportation Impact Analysis.
5. In cases where a Conventional Rezoning application seeks to rezone only a portion of a lot or tract, the remainder of the lot or tract shall be of a size and location that make it possible to subdivide or develop that portion of the property in accordance with the requirements in this Ordinance.
6. Applications subject to a required neighborhood meeting shall include required information in accordance with Section 2.4.4, Neighborhood Meeting.

D. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams).

E. RECOMMENDATION

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application based on its consistency with Section 2.4, Review Procedures.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted policy guidance.

F. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 2.4, Review Procedures.
2. The decision shall be one of the following:
 - a. Approval of the application;
 - b. Denial of the application;
 - c. Approval of a revised application; or
 - d. Remand of the application to Town staff for further consideration.

³ STN 34 Conventional Rezonings are only processed a few times per year on the Town's schedule.



2.3.12 EXEMPT SUBDIVISION

A. EXEMPT SUBDIVISIONS, GENERALLY³

1. Subdivisions exempted from this Ordinance are identified in [NCGS§160D-802 and Table 2.2.2, Subdivision Types Table](#).
2. The Town may not require a plat for an Exempt Subdivision, but the Register of Deeds may require a plat to record the division of land.
3. Land divided as an Exempt Subdivision is subject to other requirements in this Ordinance, including but not limited to water supply watershed standards, stormwater, and flood damage protection.

B. APPLICATION

Applications for review of an Exempt Subdivision are strictly voluntary and at the discretion of the landowner or subdivider.

C. PROCESS TYPE

Type I (see [Section 2.2.3, Process Diagrams](#)).

D. REVIEW CRITERIA

An application for an Exempt Subdivision shall be decided by the Planning Director in accordance with [Section 2.4.7, Staff Review and Action](#), and the following:

1. GENERALLY

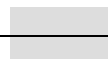
Except for combinations or recombinations, an Exempt Subdivision shall be approved provided it complies with the following:

- a. The plat includes a title block identifying the subdivision as an Exempt Subdivision, and describes what makes the subdivision exempt;
- b. The plat complies with the standards in NCGS§47-30;
- c. The plat is prepared, signed, and sealed by a registered surveyor;
- d. The plat complies with the impervious surface requirements, and the minimum buffer requirements, to the maximum extent practicable, if located within the (WPOD) Watershed Protection Overlay District; and
- e. The plat includes all applicable statements and declarations identified in Chapter 9 of this Ordinance.

2. COMBINATIONS OR RECOMBINATIONS

- a. An Exempt Subdivision consisting of a combination or recombination of lots shall be approved provided it complies with the following:
 - i. The resultant lots comply with the minimum dimensional requirements of the zoning district where located;
 - ii. The total number of lots is not increased;
 - iii. All the metes and bounds boundaries of the affected lots are shown;
 - iv. All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
 - v. The plat complies with the standards in NCGS§47-30;
 - vi. The title block contains the word "Recombination;"
 - vii. The plat is signed by all property owners if either the number of lots is reduced or different owners for different lots are involved in the recombination;
 - viii. The plat is prepared, signed, and sealed by a registered surveyor; and

³ STN22 Clarify that exempt subdivision is explained in NC General Statutes.



2.3.13 FEE-IN-LIEU

A. PURPOSE AND INTENT

This fee-in-lieu procedure creates a uniform process for consideration of Town-mandated or applicant-requested payment of a fee instead of providing required land or infrastructure. The fee-in-lieu process is intended to create flexibility in the provision of required aspects of development when payment of a fee is appropriate and in closer alignment with the Town's adopted policy guidance than the alternative.

B. APPLICABILITY

Payment of a fee-in-lieu may be approved by the Planning Director or the Engineering Director, as appropriate, only for the following forms of development:

1. LAND DEDICATION OR EASEMENT

Payment of a fee-in-lieu of dedication of the land or granting an easement to the Town for the following features:

- a. Public street right-of-way land, including land needed for sidewalks, bike lanes, on-street parking, turn lanes, and ingress or egress into a site;
- b. Park land; and
- c. Greenway ~~or~~ sidewalk ~~or trail~~ right-of-way.⁴

2. PUBLIC INFRASTRUCTURE

Payment of a fee-in-lieu of construction of the following public infrastructure features:

- a. Streets, including on-street parking;
- b. Curb and gutter;
- c. Bicycle facilities; and
- d. Sidewalks, ~~side~~multi-use paths, or greenways.

3. PRIVATE SITE FEATURES

Payment of a fee-in-lieu of inclusion of the following features:

- a. Required open space set-aside; and
- b. Parking lot cross-access.

C. REQUESTS DISTINGUISHED

1. APPLICANT-REQUESTED

In cases where an applicant or developer desires to provide a fee-in-lieu, the process for considering such requests shall be in accordance with this section.

2. TOWN-MANDATED

- a. Town-mandated fee-in-lieu payments are decided by Town staff as part of a Site Plan, Subdivision, or Zoning Compliance Permit application review in accordance with the applicable standards in Section 2.4, Review Procedures.
- b. Notification of the requirement for provision of a fee-in-lieu shall be in writing, and shall be delivered to the applicant or developer prior to the notice of decision on the associated application.

⁴ STN 24 Suggest removing "trails" as these are not required features- they are private. Also, need to clarify the difference between a sidepath, a sidewalk, and a multi-use path.



- b. The potential for the connection of a proposed greenway segment to the Town's greenway or trail network is unlikely within the foreseeable future, in the opinion of Town staff; or
- c. There are suitable alternatives to in close proximity to the proposed site.

4. STREETS

a. TOWN MANDATED

The Town shall require a fee-in-lieu of installation for residential, residential collector, collector, or commercial streets for the length of the street if any of the following criteria are met:

- i. No direct access to the street is proposed;
- ii. The minimum street improvement is one-half of an existing unimproved right-of-way, and improvements, if constructed, would not be used for traffic circulation;
- iii. Where the new street right-of-way is only partially contained on the development site and therefore, construction of only a portion of the new street cross-section is possible;
- iv. The street is a freeway, expressway, or any other fully controlled access facility;
- v. The street is in the Town's Capital Improvement Program, final design plans have been initiated, and the project will fall under the assessment policy of the Town; or
- vi. The street is on NCDOT's Transportation Improvement Program, final design plans have been initiated, and there will be no Town contribution or participation in funding the project. If the Town funds a portion of the project, then a fee-in-lieu of installation will be required as a contribution to Town-funded improvements.

b. APPLICANT PROPOSED

The Town shall consider a fee-in-lieu request for construction of residential, residential collector, collector, or commercial streets if any of the following criteria and their conditions are satisfied:

- i. Where existing unimproved streets have:
 1. Insufficient lineal footage to serve overall traffic circulation purposes or interrupts an existing swale/ditch storm drainage system with curb and gutter, which would disrupt the drainage system operation;
 2. Curb and gutter improvements would not connect to existing curb and gutter, or there are no similar improvements on the same block;
 3. There are no plans for Town improvements on the same block; and
 4. 75 percent or more of the block is already developed such that no future Subdivision or Site Plan submittals are anticipated; or
- ii. Where construction of the streets by the Town or other party is imminent, in the sole opinion of the Engineering Director; or
- iii. Where street construction will not connect to an existing improved street and there are no plans to construct an adjoining street in the near future; or
- iv. Where street construction is impractical due to:
 1. The need for off-site construction or slope encroachment;
 2. Proper street alignment should be determined with off-site development; or
 3. Design of bridges or culverts are required and only a portion of the structure is on the development's property.

5. SIDEWALKS AND ~~SIDE~~MULTI-USE PATHS

- a. The potential for the connection of a proposed sidewalk or ~~side~~multi-use path segment to the Town's sidewalk network is unlikely within the foreseeable future, in the opinion of Town staff; or
- b. There are suitable alternatives to a sidewalk, such as a greenway or trail, in close proximity to the proposed site.



2.3.19 PERFORMANCE GUARANTEE

A. PURPOSE AND INTENT

1. These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a Building Permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Town, and provided funds have been reserved for completion of these features.
2. These provisions ensure that funds are available for the Town's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

B. ELIGIBLE FEATURES

1. Performance Guarantees shall be configured and managed in accordance with the standards in this section. Acceptance of a Performance Guarantee is in the sole discretion of the Town, which is under no obligation to accept a request for or approve a Performance Guarantee for any feature or under any circumstance.
2. Requests for submittal of a Performance Guarantee instead of completion in advance of subdivision approval or Building Permit issuance may be filed with the Town for any of the following public infrastructure elements or private site features:
 - a. Sidewalks, ~~side~~multi-use paths, ~~trails~~, and greenways;
 - b. The final lift of asphalt on a Town-maintained public street;
 - c. Street lights and on-site exterior lighting;
 - d. Active and passive recreation features located within open space set-aside;
 - e. Private stormwater control measures; and
 - f. Placement or replacement of required vegetation, except when required as part of erosion control measures.

C. INELIGIBLE FEATURES

The following forms of public infrastructure may not be subject to a Performance Guarantee, and shall be completed, dedicated to the Town, and inspected prior to conveyance of lots or issuance of a Certificate of Occupancy:

1. Public potable water;
2. Public sanitary sewer;
3. Functional fire protection infrastructure;
4. The base and initial courses of asphalt on a street;
5. Drainage facilities associated with a street right-of-way;
6. Public stormwater control measures;
7. Curb and gutter; and
8. Street signs and traffic control signals.

D. STORMWATER AND EROSION CONTROL FACILITIES

Stormwater control measures and erosion control facilities shall comply with the specific provisions for Performance Guarantees associated with these features in accordance with NCGS§160D-804 rather than the standards in this section.

E. FORM

1. The form of a Performance Guarantee shall take one of the following forms, at the sole discretion of the applicant:
 - a. A surety bond issued by a firm licensed to operate in the State of North Carolina;



2.3.24 STREET RENAMING/ CLOSURE

A. APPLICABILITY

This process for the renaming or closure of streets is applied to publicly-owned or maintained streets operated by the NCDOT or the Town.

B. APPLICATION⁵

1. In cases where the Town initiates an application to abandon an existing or platted street, it shall first file a Resolution of Intent to Abandon the street in accordance with NCGS§160A-299.
2. In cases where an application to rename an existing street is filed by landowners (not the Town) the application shall be supplemented with a petition signed by at least 75 percent of the landowners that are affected by the renaming. The application shall also include the desired street name.
- ~~2.3.~~ A petition is not required for street renaming applications initiated by the Town or another unit of government.
- ~~3.4.~~ Applications for Street Renaming filed by landowners for reasons other than public safety or emergency service delivery shall require a determination of merit by Town staff prior to review by the Planning Board.

C. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams).

D. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 2.4, Review Procedures.
2. The decision shall be one of the following:
 - a. Approve the Street Renaming/ Closure of all or a portion of the street right-of-way;
 - b. Denial of the Street Renaming/ Closure; or
 - c. Remand of the application to the Planning Board for further consideration.
3. In no instance shall the Town Council approve a different street name or extent than requested without new public notification and another public hearing.

E. REVIEW CRITERIA

An application for a Street Renaming/ Closure shall be approved, provided:

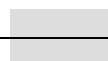
1. STREET CLOSURE

- a. Closing of the street is in the best interest of the public; and
- b. A landowner in the vicinity of the street would not be deprived of reasonable ingress or egress to their land.

2. STREET RENAMING

- a. The street renaming is in accordance with all applicable street name requirements;
- b. The street renaming will serve the public interest by enhancing public safety or will do no harm;
- c. The street renaming will not adversely affect land values or cause excessive economic impact to landowners or the Town; and

⁵ STN 31 Clarify that government-initiated renaming does not require a petition



2.3.25 TEMPORARY PERMIT

A. APPLICABILITY

1. The standards in this section apply to non-permanent uses and structures, including temporary signage, that take place on a temporary basis whether on the same site or in different locations in the Town's planning jurisdiction.
2. Temporary uses occurring within the public right-of-way require approval by the Town Council or NCDOT, as appropriate, and are not subject to a Temporary Permit.

B. EXEMPTIONS

Temporary uses or structures operated by the Town or the County for public safety or as part of a sanctioned governmental event shall be exempted from these requirements.

C. PROCESS TYPE

Type II (see Section 2.2.3, Process Diagrams).

D. REVIEW CRITERIA⁷

The Planning Director shall decide applications for a Temporary Permit in accordance with Section 2.4.7, Staff Review and Action, and the following:

1. The applicant has written permission from the landowner, or is otherwise authorized to make use of the land;
2. The applicant has obtained the appropriate permits and approvals from the Town and other agencies;
3. The temporary use meets public utility and Town requirements for proper connection to water, sewer, electrical, and other utility service connections, as applicable;
4. Inclusion of any lighting or electrical service shall be subject to an approved electrical permit;
5. Any habitable structures shall require approval of a Building Permit;
6. The temporary use or activity complies with all applicable provisions in Section 4.6, Temporary Uses;
7. The temporary use does not violate the applicable conditions of approval that apply to a site or use on the site;
8. The proposed site contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting the site's ability to comply with other applicable requirements of this Ordinance;
9. The temporary use is located outside a special flood hazard area;
10. The temporary use provides adequate on-site restroom facilities, if necessary;
11. Adequate provisions for crowd control shall be provided, if necessary, *in the sole opinion of the Planning Director*;
12. Any signage associated with a Temporary Permit shall comply with the applicable standards in Section 6.13, Signage; and
13. The site of the temporary use shall be cleared of all debris at the end of the temporary use and all temporary structures shall be cleared from the site within five days after the use is terminated.

⁷ STN 35 - Concern that crowd control provisions should be reviewed by a wider range of city departments.



2.3.27 TRANSPORTATION IMPACT ANALYSIS

A. PURPOSE AND INTENT

This Transportation Impact Analysis (TIA) procedure allows an assessment of a proposed development's impact on the Town's transportation system. It identifies recommended transportation system improvements to be included by the proposed development as necessary to mitigate any negative impacts created by the proposed development.

B. APPLICABILITY

A Transportation Impact Analysis, prepared in accordance with this section shall be required for any of the following:

1. A new development anticipated to generate 100 or more vehicle trips during any peak hour, or 1,000 or more vehicle trips per day, based on the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual; or
2. A new development that is part of a larger development that, when considered cumulatively, will generate 100 or more vehicle trips during the AM or PM peak hour, or 1,000 or more vehicle trips per day, based on the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual; or
3. The proposed development is located on a roadway that has a demonstrated transportation capacity issue, as determined by the Engineering Director; or
4. There are likely to be significant changes to adjacent development traffic patterns, as determined by the Engineering Director, as a result of the proposed development.

C. TRAFFIC ASSESSMENT OPTION⁶

1. In cases where the number of vehicle trips is not known (such as in the case of a Conventional Rezoning application), or in cases where the proposed uses will not result in 100 or more vehicle trips during any peak hour nor more than 1,000 vehicle trips per day, the Engineering Director ~~shall~~ may require a Traffic Assessment instead of a Transportation Impact Analysis.
2. A Traffic Assessment is a general investigation of anticipated traffic on adjacent roadway capacity and function as opposed to detailed estimates of the number of trips and steps necessary to maintain a minimum operating level of service.

D. APPLICATION

1. The type, scope, and contents of a Transportation Impact Analysis shall be determined during the mandatory pre-application conference (see Section 2.4.3, Pre-Application Conference).
2. A Traffic Impact Analysis shall be prepared by a professional engineer licensed in the State of North Carolina, and shall include all of the following:
 - a. The impact area examined, including the points of access and key streets and intersections to be affected by development;
 - b. Existing traffic volumes;
 - c. Planned and pending street improvements;
 - d. The analysis methodology;
 - e. An inventory of the data used;
 - f. The findings of the analysis; and

⁶ STN 9 change from "shall" to "may"



2.3.29 VARIANCE

A. PURPOSE AND INTENT

The purpose of this Variance procedure is to allow deviations from certain standards of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes provisions for reasonable accommodation of persons with physical disabilities and variances pertaining to the Town's special flood hazard area requirements, water supply watershed protection standards, riparian buffer protection provisions, and stormwater provisions.

B. APPLICABILITY

1. VARIANCE

- a. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
- b. No Variance may be sought for uses not allowed in a zoning district.
- c. No Variance may be sought that increases development density (e.g., units per acre) beyond that allowed in the zoning district where located.

2. REASONABLE ACCOMMODATION

- a. In cases where the strict application of the standards of this Ordinance would deprive an eligible person of their right to equal opportunity to use a dwelling under the federal Fair Housing Act, the person may apply for a Reasonable Accommodation in accordance with this section.
- b. For the purposes of this section, an "eligible person" is a person who meets the definition of a disabled or handicapped person under federal law.
- c. A person recovering from substance abuse is considered a person with a disability or handicap provided they are not currently engaging in the illegal use of controlled substances.

C. VARIANCES DISTINGUISHED⁷

1. In addition to applications for a Reasonable Accommodation, this procedure recognizes the following different forms of Variance, each of which may have unique review processes and criteria:
 - a. Zoning or Subdivision Variances;
 - b. Flood Hazard Overlay Variances;
 - c. Stormwater Variances; ~~and~~
 - ~~d. Riparian Buffer Variances; and~~
 - ~~e.d.~~ Water Supply Watershed Variances.
2. ~~Riparian Buffer Variances shall take the form of a Minor Variance or a Major Variance. A Minor Variance shall be one pertaining to or impacting only Zone Two of the riparian buffer. Major Variances shall pertain to or impact Zone One of the riparian buffer (see Section 6.12, Riparian Buffers, for riparian buffer zone boundaries).~~

⁷ STN4 DEQ indicates that the UDO should not include any detail about riparian buffers since the Town is not designated to enforce the riparian buffer standards.



- f. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning Department.

2. ~~MAJOR RIPARIAN BUFFER OR WATER SUPPLY WATERSHED VARIANCE~~⁸

- a. In the case of a recommendation of approval for a Major ~~Riparian Buffer or Water Supply Watershed Variance~~ by the Board of Adjustment, the application materials, along with the recommendation of the Board of Adjustment established in accordance with sub-section (1) above, shall be forwarded to the North Carolina Division of Water Resources for consideration by the North Carolina Environmental Management Commission.
- b. Denials of a Major ~~Riparian Buffer or Water Supply Watershed Variance~~ application by the Board of Adjustment shall result in the application not being forwarded to the EMC for a final decision.
- c. The final decision regarding a Major ~~Riparian Buffer or Water Supply Watershed Variance~~ shall be made within 90 days of receipt by the North Carolina Environmental Management Commission (EMC) in accordance with all applicable State law. The decision by the EMC shall be one of the following:
- Approval of the Variance application;
 - Approval of the Variance application with additional conditions; or
 - Denial of the Variance application.
- d. Any final decision by the EMC on a Major ~~Riparian Buffer or Water Supply Watershed Variance~~ may be appealed to the Superior Court of the county where located.

G. REVIEW CRITERIA

1. ZONING OR SUBDIVISION VARIANCE

a. REQUIRED FINDINGS

A Zoning or Subdivision Variance application shall be approved subject to a finding the applicant demonstrates all of the following:

- Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
- The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.
- The hardship did not result from actions taken by the applicant or the landowner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the Variance shall not be regarded as a self-created hardship.
- The requested Variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.
- The Variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

b. NOT AVAILABLE AS A BASIS FOR DECISION

None of the following may be used as the basis for approving a Zoning or Subdivision Variance:

- Hardships resulting from factors other than application of the relevant standards of this Ordinance;
- Personal circumstances;

⁸ STN4 DEQ indicates that the UDO should not include any detail about riparian buffers since the Town is not designated to enforce the riparian buffer standards.



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.29 Variance

- i. The applicant can secure no reasonable use of or return from their property if the provisions of the Ordinance are strictly adhered to;
- ii. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;
- iii. The hardship is due to the physical nature of the applicant's property, such as its location, size, shape, or topography, and compliance with provisions of this Ordinance would not allow reasonable use of the property;
- iv. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;
- v. The Variance is consistent with the general spirit, purpose, and intent of the State law and this Ordinance; and
- vi. In granting the Variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

b. STATUTORY EXCEPTIONS

Exceptions from the 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

- i. When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of SCMs.
- ii. When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of SCMs.
- iii. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.²

4.- RIPARIAN BUFFER VARIANCE

- ~~a.-A Riparian Buffer Variance shall be approved on a finding that there are practical difficulties or unnecessary hardships that prevent compliance with this Ordinance, and a finding of practical difficulties or unnecessary hardships requires that all of the following standards are met:~~
- ~~i.-If the applicant complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, their property. Merely proving that the Variance would permit a greater profit from the property shall not be considered adequate justification for a Variance;~~
 - ~~ii.-Whether the Variance is the minimum possible deviation from the terms of the Ordinance that shall make reasonable use of the property possible;~~
 - ~~iii.-The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;~~
 - ~~iv.-The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this Ordinance would not allow reasonable use of the property;~~

² STN4 DEQ indicates that the UDO should not include any detail about riparian buffers since the Town is not designated to enforce the riparian buffer standards.

Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.29 Variance

- ~~v. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;~~
- ~~vi. The applicant did not purchase the property after the effective date of this Ordinance, and then request a Variance;~~
- ~~vii. The hardship is rare or unique to the applicant's property;~~
- ~~viii. The Variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and this Ordinance; and~~
- ~~ix. In granting the Variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.~~
- ~~b. The North Carolina Environmental Management Commission shall decide a Major Riparian Buffer Variance based on applicable State law.~~

5.4. WATER SUPPLY WATERSHED VARIANCE

- a. A Water Supply Watershed Variance shall be approved on a finding that there are practical difficulties or unnecessary hardships that prevent compliance with this Ordinance, and a finding of practical difficulties or unnecessary hardships requires that all of the following standards are met:
 - i. The applicant can make no reasonable use of or return from their property if the provisions of the Ordinance are strictly adhered to;
 - ii. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;
 - iii. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this Ordinance would not allow reasonable use of the property;
 - iv. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;
 - v. The Variance is in harmony with the general purpose and intent of the State's water supply watershed requirements and preserves the spirit of this Ordinance; and
 - vi. In granting the Variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.
- b. The North Carolina Environmental Management Commission shall decide a Major Water Supply Watershed Variance based on applicable State law.

6.5. REASONABLE ACCOMMODATION

- a. A Reasonable Accommodation application shall be approved on a finding the proposed accommodation:
 - i. Will be used by an individual or individuals with a disability or handicap protected under federal law;
 - ii. Is the minimum needed to provide accommodation; and
 - iii. Is reasonable and necessary.
- b. For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other Town standard, and it will not impose significant financial and administrative burden upon the Town.
- c. For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful improvement of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the Town's planning jurisdiction.

- a. Rezoning, conditional and conventional, which would establish a more dense or intense zoning district or when the Town is annexing land located outside its extraterritorial jurisdiction;
 - b. Street Renaming/Closures;
 - c. Special Use Permits; or
 - d. Variances.
2. Neighborhood meetings for any other kind of application identified in Table 2.2.1, Application Types Table, are optional. However, the Town Council may, by simple majority vote on a motion during a public hearing, require a neighborhood meeting to be conducted before rendering a decision on an application they are deciding.
 3. In cases of a multi-part application that includes two or more portions each requiring a neighborhood meeting, only one neighborhood meeting shall be required prior to the filing of the initial portion of the application.

C. PROCEDURE¹⁰

In cases when a neighborhood meeting is conducted, it shall comply with the following procedures:

1. TIMING

- a. The meeting shall start between the hours of 6PM and 8PM on a weekday.
- b. The meeting shall take place ~~no less than ten days before~~ prior to the application ~~is to be~~ ing initially filed with the Town. Nothing shall limit the Town Council from requiring one or more neighborhood meetings be conducted prior to the application being decided.

2. LOCATION

- a. The neighborhood meeting shall take place in a location open to the general public that is as close as possible to the site where development is proposed.
- b. In the event no suitable location open to the general public is available, the meeting may take place at a Town-owned or -operated site, subject to any Town requirements for its use.
- c. Virtual neighborhood meetings may be conducted when conducted in a manner consistent with the Town's policies for virtual meetings.

3. NOTIFICATION

- a. The applicant shall provide notification of the neighborhood meeting via first class mail to all landowners within 300 linear feet of the parcel(s) where development is proposed.
- b. Mailed notice shall be provided no less than ten days prior to the date of the neighborhood meeting.
- c. Landowners are advised that any required public notice of a subsequent development application will be provided in accordance with Section 2.4.8, Public Notice, which may be less than 300 feet from the parcel where development is proposed.
- d. Multiple meetings may take place, but advance notification for each meeting shall be provided in accordance with this subsection.

4. INFORMATION PROVIDED

The applicant shall provide the following in the neighborhood meeting invitation:

¹⁰ STN 6 – Staff wants flexibility to attend meetings and more flexibility on meeting timing.



- a. The purpose of the meeting;
- b. A description of the proposed development;
- c. The time, date, and location of the meeting;
- d. Telephone and email contact information for the applicant or applicant's representative; and
- e. Any additional information that would promote understanding of the development proposal.

5. CONDUCT OF MEETING

At the meeting, the applicant shall explain the development proposal and the proposed application, respond to questions and concerns attendees raise about the application, and propose ways to resolve conflicts and concerns.

6. STAFF ATTENDANCE¹³

Town staff ~~shall not~~ may, in the sole discretion of the Planning Director, attend a neighborhood meeting but only in a professional capacity as a source of information about Town policy or requirements. Nothing shall limit a Town staff member from attending a neighborhood meeting as an interested citizen.

7. WRITTEN SUMMARY

The applicant shall submit a written summary of each neighborhood meeting, accompanied by copies of what was presented. At a minimum, the written summary shall include all of the following:

- a. A list of all parties and mailing addresses who were mailed a meeting notice;
- b. Written proof of mailing provided in accordance with Section 2.4.4C.3, Notification;
- c. A copy of the meeting notice;
- d. A sign-in sheet of meeting attendees; and
- e. A list of the items discussed, including any questions posed by attendees and the answers provided.

2.4.5 APPLICATION FILING

A. AUTHORITY TO FILE APPLICATIONS

1. Unless expressly stated otherwise in this Ordinance, development applications reviewed under this Ordinance shall be filed by the landowner, a contract purchaser with the owner's consent, or other person having a recognized property interest in the land on which development is proposed with the owner's consent.
2. Some applications (e.g., conditional rezoning) must be filed by all landowners, as required in Section 2.3, Application Types.
3. Third-party applications to downzone land shall be prohibited.

B. APPLICATION FORMS

The Town shall establish development application forms, which shall be maintained by the Planning Director. Applications may only be completed on the forms provided by the Town.

C. APPLICATION FEES

1. The Town Council shall establish application fees in its Comprehensive List of Fees and Charges which may be updated at the sole discretion of the Town Council.

¹³ STN6 Permit staff to attend neighborhood meetings.



3.2.12 (RHD) RESIDENTIAL HIGH DENSITY¹⁴

A. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT PURPOSE STATEMENT

The Residential High Density (RHD) District is established to accommodate a wide variety of moderate-density residential uses and their complementary secondary uses in neighborhood and individual lot contexts. The district provides a variety of different locations near downtown and proximate to major transportation corridors for Town residents to establish dwellings at densities necessary to support nearby shopping and employment uses. Residential uses in the district are well-connected with surrounding areas via connected streets, sidewalks, greenways, and trails. Proximity and access to transit facilities and alternative forms of transportation are vital for residents. The district accommodates single-family detached dwellings, single-family attached dwellings, ~~triplexes, quadplexes, duplexes~~, and a wide variety of small-lot residential developments like bungalow courts, pocket neighborhoods, and conservation subdivisions. Higher density residential uses like multi-family and upper-story residential are not permitted. In order to promote functional neighborhoods, the district also permits a wide variety of institutional uses, like educational, cultural, and governmental uses along with recreation and open space uses. Residential uses are anticipated to include landscaping and private areas for outdoor activity by occupants. The district discourages any uses or development configurations that would interfere with the residential nature of the district.

B. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT PREFERRED DEVELOPMENT FORMS



Single-Family Attached Building



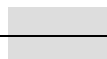
Bungalow Court

~~Quadplex Building~~



Pocket Neighborhood

¹⁴ STN 32 Remove duplexes, triplexes, and quadplexes and permit with conditional rezoning instead.



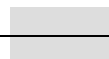
Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.12 (RHD) Residential High Density

C. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT DIMENSIONAL STANDARDS

Dimensional Standard (see following pages for dimensional standard diagrams)	Type of Development									
	Bungalow Court	Conservation Subdivision	Multi-Family	Pocket Neigh-hood	Single-Family Attached	Single-Family Detached	Triplex/ Quadplex	Duplex	Upper-Story Residential	Non- Residential
Maximum Residential Density (du/ac) [1]	8.2 [2]	10.8	N/A	8.2 [3]	7.2 [4]	7.2 [4]	N/A ⁷ / ₂	N/A ⁷ / ₂	N/A	N/A
A Minimum Site Size	1 ac	5 ac	N/A	1 ac	12,000 sf [5]	N/A	N/A	N/A	N/A	N/A
B Minimum Lot Area (sf)	3,600	N/A	N/A	3,600	N/A	6,000	N/A ⁹ / ₆₀₀	N/A ⁶ / ₆₀₀	N/A	6,000
C Minimum Lot Width (lf) [6]	50 [7]	20	N/A	50 [7]	50 [7]	50	N/A ⁶⁰	N/A ⁵⁰	N/A	50
Maximum Lot Coverage (% of lot area) [8]	80	90	N/A	90	60 [7]	60	N/A ⁶⁰	N/A ⁶⁰	N/A	60
D Minimum Open Space Set Aside (% of lot or site size) [9]	7	50	N/A	10 [10]	10	10 [11]	N/A ¹⁰	N/A ¹⁰ / ₁₁	N/A	5
E Minimum Street Setback (lf)	20	3 [12]	N/A	3 [12]	25 [13]	25	N/A ²⁵	N/A ²⁵	N/A	20
F Minimum Side Setback (lf)	3 [12]	3 [12]	N/A	3 [12]	6 [7]	6	N/A ⁶	N/A ⁶	N/A	6
G Minimum Rear Setback (lf)	3	3 [12]	N/A	3 [12]	20 [7]	20	N/A ²⁰	N/A ²⁰	N/A	20
H Minimum Spacing Between Principal Buildings on Same Lot (lf) [14]	N/A	N/A	N/A	20	20	N/A	N/A	N/A	N/A	20
I Minimum Spacing Between Secondary Building and Any Other Building on Same Lot (lf) [14]	3	3	N/A	3	10	5	N/A ⁷	N/A ⁵	N/A	10
J Minimum Perimeter Setback for Multi-Building and Unified Developments (lf)	[15]	[16]	N/A	[15]	25	N/A	N/A ²⁵	N/A ²⁵	N/A	20
Maximum Building Height (lf) [17]	35	35	N/A	24	35	35	N/A ³⁵	N/A ³⁵	N/A	35
NOTES:	[1] Density bonuses may be granted for inclusion of sustainable development features in accordance with Section 6.17, Sustainable Development Incentives. [2] Must include at least three principal dwelling units. [3] Must include at least four principal dwelling units but not more than 24 principal dwelling units. [4] Maximum density may be increased by up to one unit per acre for voluntary compliance with residential design guidelines. [5] 12,000 for the first two dwelling units plus an additional 500 sf for each unit beyond two. [6] Alleys are required to serve lots on blocks where one or more new lot is less than 50 feet in width. Conservation subdivisions exempted. [7] Applied to entire development, not individual lots. [8] Subject to applicable built-upon limits if located within the Watershed Protection Overlay District. [9] See Section 6.7, Open Space Set-Aside and Parkland, for the type of open space required. [10] At least 300 sf of OSS per unit shall be configured as a central green or garden. [11] Applied to subdivisions, not individual dwellings. [12] In no instance shall off-street parking be located in ways in which parked vehicles extend beyond lot lines. [13] May be reduced to three feet through provision of rear-loaded alleys and no curb cuts along streets abutting front building facades. [14] A larger distance may be required in accordance with the applicable NC Building Code or NC Fire Code. [15] Requires a Type C buffer along any portion of the development perimeter abutting a residential zoning district. [16] As necessary to comply with visibility requirements in Section 2.3.7, Conservation Subdivision. [17] May be increased in accordance provision of sustainable development incentives.									
 Building (Principal)  Building (Secondary)  Gathering Area			 Vehicular Use Area  Landscaping or OSS  Street			 Lot Line  Setback  Dimensions				



211

Town of Clayton
Unified Development Ordinance

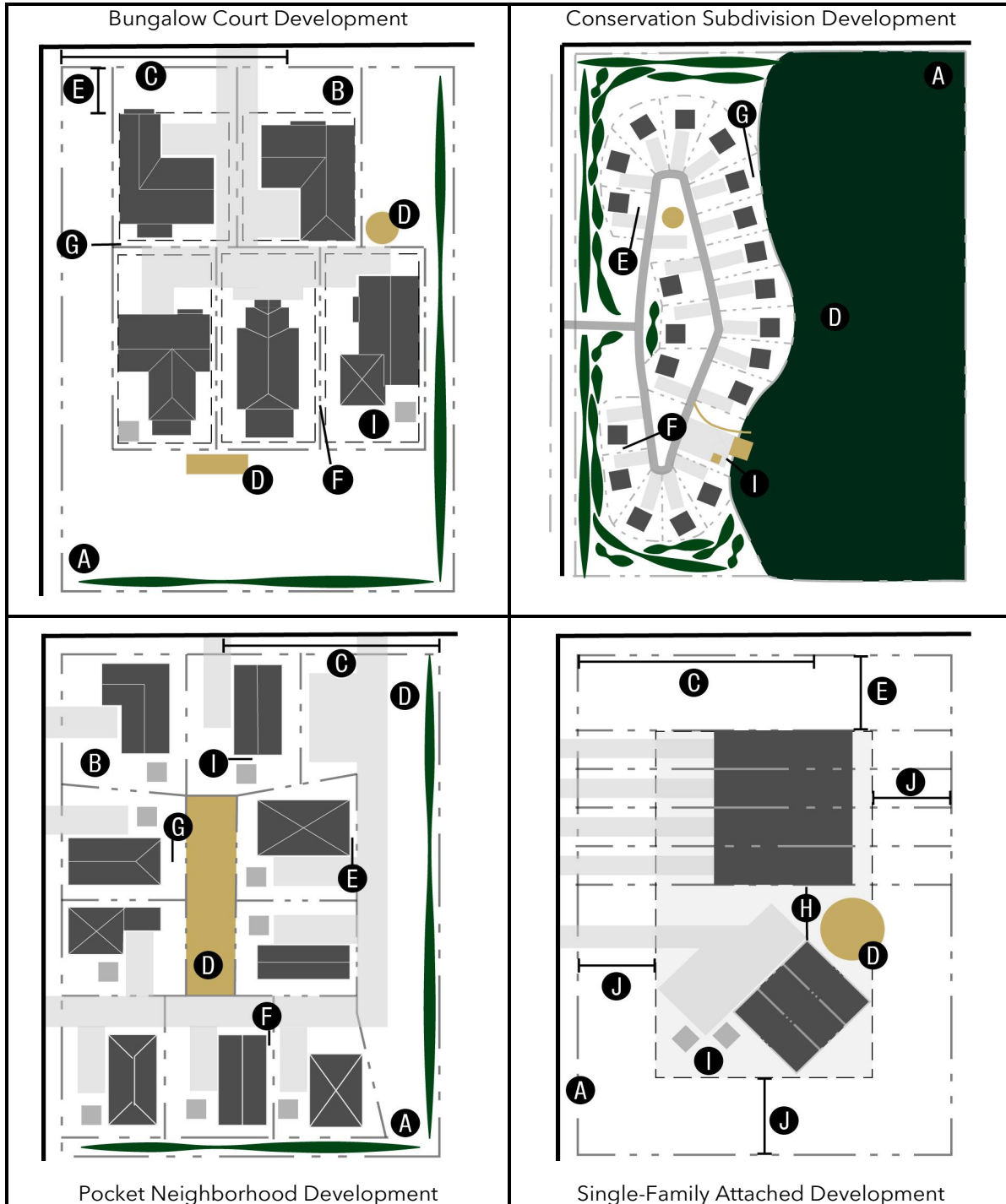
Last Update
4.15.24¹¹-20-23

Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.12 (RHD) Residential High Density

D. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT DIMENSIONAL DIAGRAMS

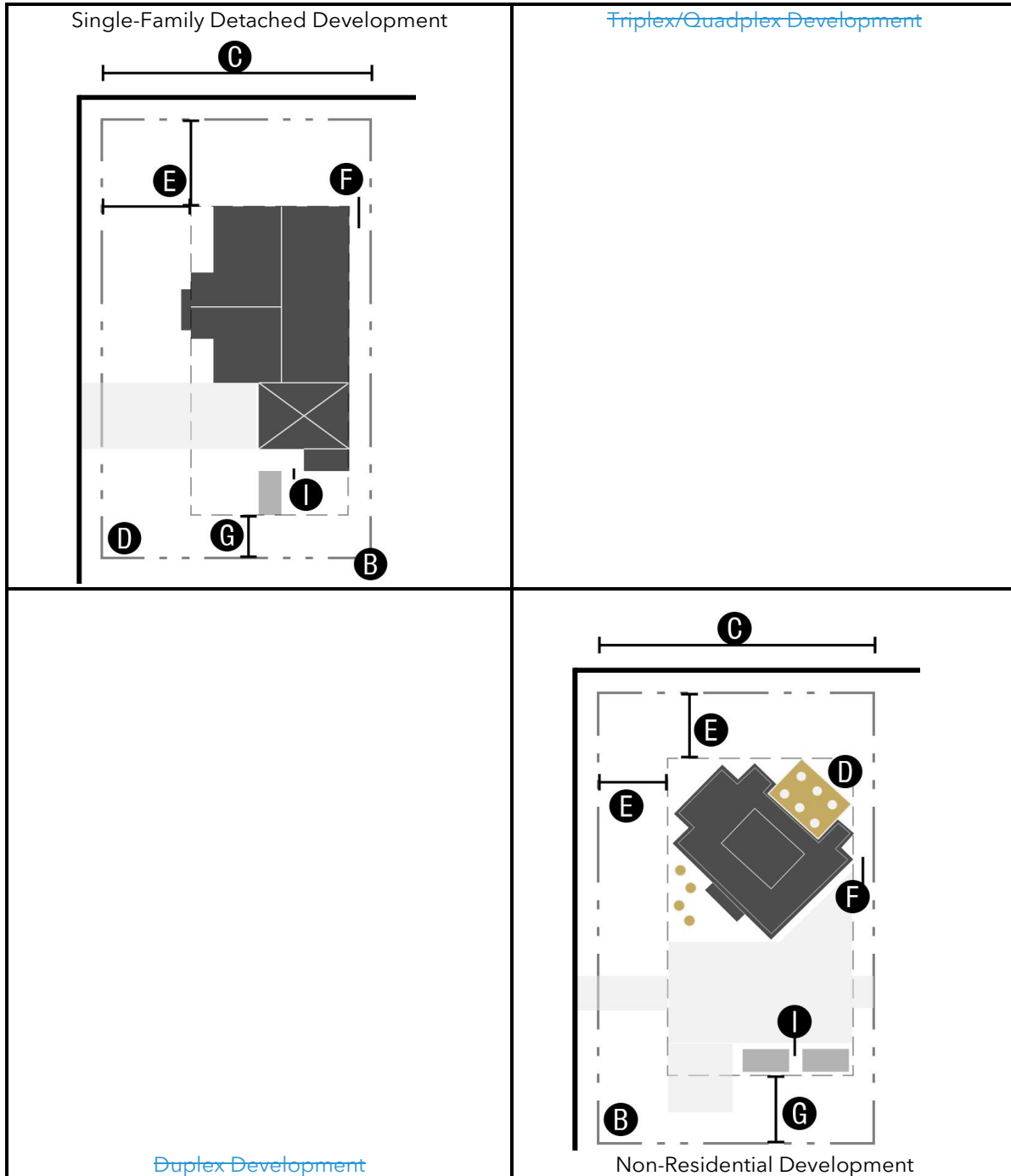


Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.12 (RHD) Residential High Density

E. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT DIMENSIONAL DIAGRAMS (CON'T)



213

Town of Clayton | Last Update
Unified Development Ordinance | 4.15.24/11-20-23

Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.15 (RMD) Residential Medium Density

3.2.15 (RMD) RESIDENTIAL MEDIUM DENSITY¹⁵

A. RESIDENTIAL MEDIUM DENSITY (RMD) DISTRICT PURPOSE STATEMENT

The Residential Medium Density (RMD) District is established to accommodate low-to-moderate-density residential development and complimentary uses on lots served by public utilities in the suburban portions of the Town's jurisdiction. The RMD district provides a transition between lower-density residential areas and higher intensity commercial and shopping areas along major corridors. Development in the RMD district is typically organized as a series of individual neighborhoods. The vast majority of RMD lots are around 8,000 square feet in area and contain a single-family detached dwelling located in the center of a landscaped yard. Off-street parking takes place on a driveway in front of or to the side of the dwelling. Most homes are two-to-three stories tall and around 1,000 square feet in size. While the district accommodates single-family detached homes, it also permits duplex dwellings as well as "small-lot" residential developments such as bungalow courts, pocket neighborhoods, and conservation subdivisions. It also accommodates a limited range of institutional uses but almost no commercial or industrial use types. Streets are typically organized as a modified grid with some curvilinear segments. Neighborhoods are well-served by sidewalks and greenways that permit pedestrians to access nearby institutional and commercial uses.

B. RESIDENTIAL MEDIUM DENSITY DISTRICT PREFERRED DEVELOPMENT FORMS



Single-Family Detached Dwelling

~~Duplex Dwelling~~



Conservation Subdivision

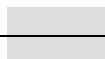


Pocket Neighborhood



Bungalow Court

¹⁵ STN 32 Remove duplexes by-right and consider via conditional rezoning instead.



Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.15 (RMD) Residential
Medium Density

C. RESIDENTIAL MEDIUM DENSITY (RMD) DISTRICT DIMENSIONAL STANDARDS

Dimensional Standard (see following page for dimensional standard diagrams)	Type of Development									
	Bungalow Court	Conservation Subdivision	Multi-Family	Pocket Neigh-hood	Single-Family Attached	Single-Family Detached	Triplex/ Quadplex	Duplex	Upper-Story Residential	Non-Residential
Maximum Residential Density (du/ac) [1]	5.0	5.0	N/A	5.0	N/A	5.0	N/A	N/A5-50	N/A	N/A
A Minimum Site Size	1 ac	5 ac	N/A	1 ac	N/A	N/A	N/A	N/A	N/A	N/A
B Minimum Lot Area (sf)	7,000	N/A	N/A	7,000	N/A	8,000	N/A	N/A10; 600	N/A	8,000
C Minimum Lot Width (lf) [2]	60 [3]	20	N/A	60 [3]	N/A	60	N/A	N/A60	N/A	60
Maximum Lot Coverage (% of lot area) [4]	80	90	N/A	90	N/A	55	N/A	N/A55	N/A	55
D Minimum Open Space Set Aside (% of lot or site size) [5]	7	50	N/A	10 [6]	N/A	20 [7]	N/A	N/A20 [7]	N/A	20
E Minimum Street Setback (lf)	20	3 [8]	N/A	3 [8]	N/A	25	N/A	N/A25	N/A	25
F Minimum Side Setback (lf)	3	3 [8]	N/A	3 [8]	N/A	10	N/A	N/A10	N/A	10
G Minimum Rear Setback (lf)	3	3 [8]	N/A	3 [8]	N/A	25	N/A	N/A25	N/A	25
Minimum Spacing Between Principal Buildings on Same Lot (lf) [9]	N/A	N/A	N/A	20	N/A	N/A	N/A	N/A N/A	N/A	20
I Minimum Spacing Between Secondary Building and Any Other Building on Same Lot (lf) [9]	3	3	N/A	3	N/A	5	N/A	N/A5	N/A	10
J Minimum Perimeter Setback for Multi-Building and Unified Developments (lf)	[10]	[11]	N/A	[10]	N/A	N/A	N/A	N/A25	N/A	25
Maximum Building Height (lf) [12]	35	35	N/A	24	N/A	35	N/A	N/A35	N/A	35
NOTES:	[1] Maximum density may be increased by up to one unit per acre for voluntary compliance with residential design guidelines. Density bonuses may be granted for inclusion of sustainable development features in accordance with Section 6.17, Sustainable Development Incentives. [2] Alleys are required to serve lots on blocks where one or more new lot is less than 50 feet in width. Conservation subdivisions exempted. [3] Applied to subdivisions, not individual dwellings. [4] Subject to applicable built-upon limits if located within the Watershed Protection Overlay District. [5] See Section 6.7, Open Space Set-Aside and Parkland, for the type of open space required. [6] At least 300 sf of OSS per unit shall be configured as a central green or garden. [7] Applied to subdivisions, not individual dwellings. [8] In no instance shall off-street parking be located in ways in which parked vehicles extend beyond lot lines. [9] A larger distance may be required in accordance with the applicable NC Building Code or NC Fire Code. [10] Requires a Type C buffer along any portion of the development perimeter abutting a residential zoning district. [11] As necessary to comply with visibility requirements in Section 2.3.7, Conservation Subdivision. [12] May be increased in accordance provision of sustainable development incentives.									



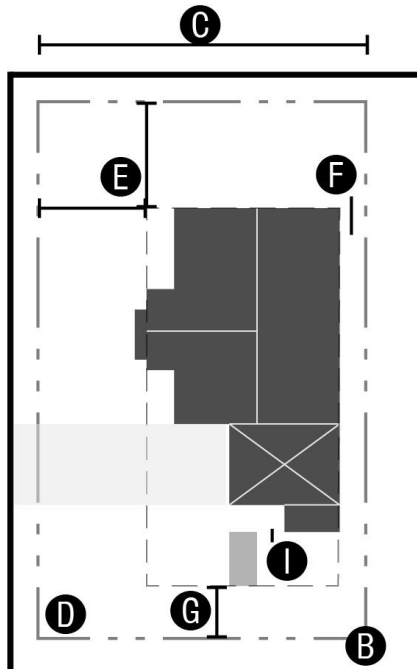
Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

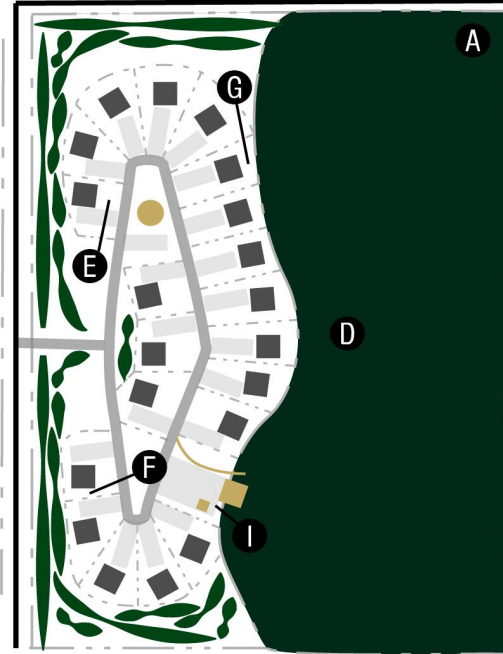
Sub-section 3.2.15 (RMD) Residential
Medium Density

D. RESIDENTIAL MEDIUM DENSITY (RMD) DISTRICT DIMENSIONAL DIAGRAMS

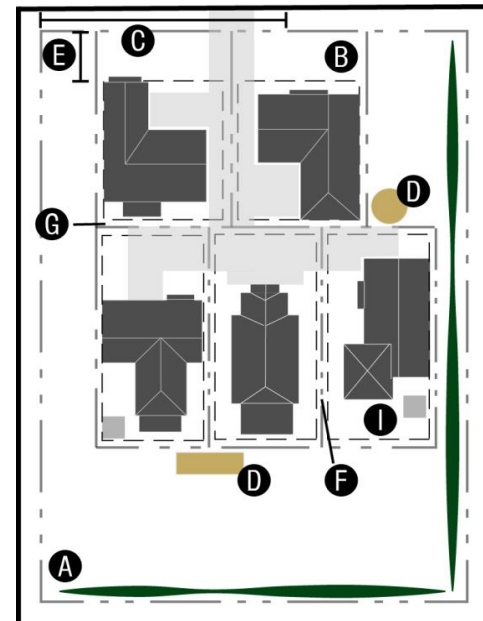
Single-Family Detached Development



Conservation Subdivision Development



Duplex Dwelling Development



Bungalow Court Development



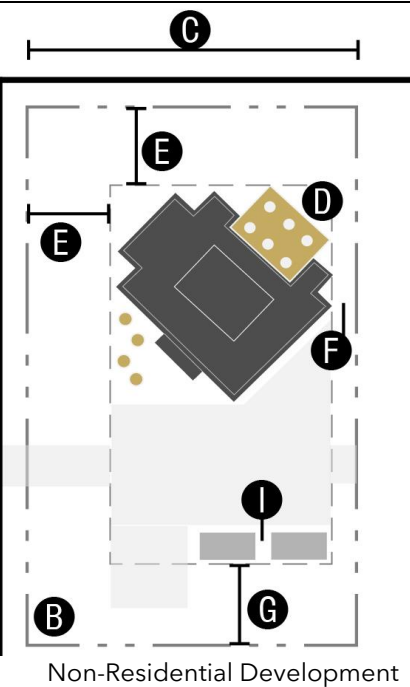
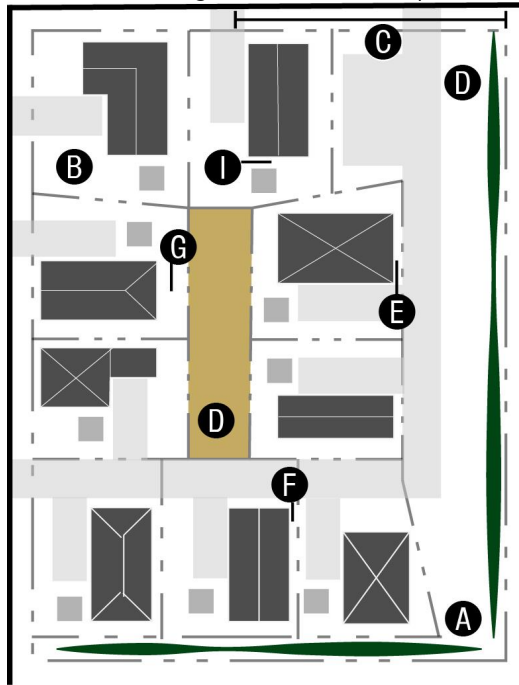
Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.15 (RMD) Residential
Medium Density

E. RESIDENTIAL MEDIUM DENSITY DISTRICT DIMENSIONAL DIAGRAMS (CON'T)

Pocket Neighborhood Development



- Building (Principal)
- Building (Secondary)
- Gathering Area
- Vehicular Use Area
- Landscaping or OSS
- Street
- Lot Line
- Setback
- Dimensions

Legend



223

Town of Clayton | Last Update
Unified Development Ordinance | 4.15.24++-20-23

- c. The ways in which approval of the less restrictive condition(s) will result in development that is in closer alignment with the provisions in Section 1.7, Purpose and Intent of Ordinance, and the Town's adopted policy guidance; and
- d. Applicants are strongly encouraged to provide mitigation for any potential negative impacts anticipated to result from proposed conditions that are less restrictive than the applicable requirements.

E. CONCEPT PLANS ASSOCIATED WITH A TYPE 3 CONDITIONAL REZONING

1. GENERALLY

A Concept Plan, prepared in accordance with this section, shall be provided with an application for a Type 3 Conditional Rezoning application (see Section 2.3.6D, Application).

2. PREPARATION

A Concept Plan shall be prepared by a professional engineer, a licensed architect, or a licensed landscape architect.

3. CONTENTS

All Concept Plans shall include the following:

- a. The general location of individual development areas, identified by land use(s) and/or development density or intensity;
- b. The general configuration and relationship of the principal elements of the proposed development, including general building types;
- c. Identify, for the entire district and each development area, the acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity (floor area square footage);
- d. The general location, amount, and type (whether designated for active, passive, or gathering area) of open space set-aside;
- e. The location of environmentally sensitive lands, wildlife habitat, and resource protection lands;
- f. The on-site transportation circulation system, including the general location of all streets, existing or projected transit service, pedestrian, and vehicular circulation features, and how they will connect with existing and planned systems;
- g. The general location of on-site potable water and wastewater facilities, and how they will connect to existing systems;
- h. The general location of on-site stormwater control measures, and how they will connect to existing public systems;
- i. The general location of all other on-site public facilities serving the development, including but not limited to parks, schools, bus shelters, and facilities for fire protection, police protection, EMS, and solid waste management; and
- j. The applicable dimensional standards, including consistency with the conditional zoning district dimensional requirements or any requested deviations.

4. DEVIATIONS OR REDUCTIONS¹²

- a. Applicants seeking a Type 3 Conditional Rezoning that includes a request for a deviation or reduction from the generally applicable Ordinance standards are responsible for demonstrating, in the concept plan or related application materials, that

¹² STN10. Added to reflect that Type 3 conditional rezonings with deviations need to be a higher quality than would result from a strict application of the standards.



the proposed development will result in a higher quality development than would otherwise result from strict compliance with the standards. Alternatively, the applicant shall demonstrate how the proposed development with the requested deviations will result in a development that is in closer alignment with the Town's adopted policy guidance than would otherwise result from a strict application of the standards.

a.b. Concept Plans shall clarify the degree to which the development depicted in the Concept Plan will or will not comply with all applicable standards in Chapter 6, Standards.

b.c. In cases where the application seeks a deviation from the applicable standards, the Concept Plan shall clearly identify all deviations in both narrative and graphic forms.

c.d. It is insufficient to simply prepare a plan that depicts a building or site configuration that deviates from the applicable standards. Deviations from standards must be clearly noted and described in terms of their scope. Language in the narrative must match or be consistent with visual representations and vice versa.

5. PRINCIPAL AND SECONDARY USES

- a. The Concept Plan shall include a list of proposed principal and secondary uses.
- b. It is insufficient to reference the table of common principal or secondary uses; Concept Plans shall list all potential allowable uses.
- c. Uses that are not listed in a Concept Plan and proposed after its approval shall be considered unlisted uses subject to the process identified in [Section 2.3.9, Determination](#).

6. PHASING

If development in conditional zoning district is proposed to be phased, the Concept Plan shall include phasing details or a phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the Town's capital improvements program.

7. CONSISTENCY

All Subdivisions, Site Plans, and Zoning Compliance Permit applications shall be substantially consistent with the approved Concept Plan. A Concept Plan may only be modified in accordance with [Section 2.3.6O, Amendment](#).

8. LIMITATIONS ON REDUCTIONS

In no instance shall any of the following standards in this Ordinance be waived or reduced as part of an application for a conditional rezoning:

- a. Any of the applicable overlay district standards in [Section 3.7, Overlay Zoning Districts](#);
- b. The maximum allowable residential density, unless the landowner complies with the applicable provisions in [Section 3.5, Incentives and Alternatives](#);
- c. Any applicable conservation subdivision standards in [Section 2.3.7, Conservation Subdivision](#);
- d. Any use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#);
- e. Any of the standards applicable in [Section 4.4, Prohibited Uses](#);
- f. Any applicable standards in [Section 6.5, Infrastructure](#); and
- g. Any applicable standards in [Section 6.15, Stormwater](#), and [Section 6.12, Riparian Buffers](#).



9. COMPLIANCE WITH SUBDIVISION REQUIREMENTS

Divisions of land within a conditional zoning district shall be subject to all applicable subdivision requirements in [Section 2.3, Application Types](#).

10. RELATIONSHIP TO OVERLAY DISTRICT STANDARDS

Regulations governing development in an overlay zoning district shall apply in addition to all other applicable conditional zoning district standards.

3.3.2 (CZC) CONDITIONAL COMMERCIAL¹⁷

A. PURPOSE AND INTENT

The Conditional Commercial (CZC) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within the CRM or NCM conventional zoning districts. The CZC District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce commercial development that is in closer alignment with the Town's goals for development than would result from a strict application of the standards applicable in the CZM or NCM districts.

B. DIMENSIONAL STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in [Section 3.2.1, \(CRM\) Corridor Commercial District](#), shall apply to all development within a CZC District.

C. ALLOWABLE DENSITY

Unless modified as part of a Type 3 Conditional Rezoning application and [Section 3.5, Incentives and Alternatives](#), the maximum density standards in [Section 3.2.1, \(CRM\) Corridor Commercial District](#), shall apply to all development within a CZC District.

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the CZM, NCM, or CZC columns of the table in [Section 4.2.5, Listing of Common Principal Uses](#).
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the CZM, NCM, or CZC columns of the table in [Section 4.5.4, Listing of Common Secondary Uses](#).
3. In no instance shall a principal or secondary use that is not listed in the CZM, NCM, or CZC columns of the appropriate table be permitted within a CZC District.

E. USE-SPECIFIC STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#), or [Section 4.5.5, Standards for Specific Secondary Uses](#), as appropriate shall apply to development in a CZC District.

¹⁷ STN18 Clarify how densities operate within conditional zoning districts.



E.F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZC district. Type 3 Conditional Rezoning applications shall comply with the standards in [Section 3.3.1E.8, Limitations on Reductions](#).

3.3.3 (CZD) CONDITIONAL DOWNTOWN

A. PURPOSE AND INTENT

The Conditional Downtown (CZD) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within DTNC, DTNT, or DTNN conventional zoning districts. The CZD District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's goals for downtown development than would result from a strict application of the standards applicable in a particular conventional district.

B. DIMENSIONAL STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in [Section 3.2.3, \(DTNC\) Downtown Core](#), shall apply to all development within a CZD District.

C. ALLOWABLE DENSITY¹⁸

Unless modified as part of a Type 3 Conditional Rezoning application and [Section 3.5, Incentives and Alternatives](#), the maximum density standards in [Section 3.2.3, \(DTNC\) Downtown Core](#), shall apply to all development within a CZD District.

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the DTNC, DTNT, DTNN, or CZD columns of the table in [Section 4.2.5, Listing of Common Principal Uses](#).
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the DTNC, DTNT, DTNN, or CZD column of the table in [Section 4.5.4, Listing of Common Secondary Uses](#).
3. In no instance shall a principal or secondary use that is not listed in the CZD column of the appropriate table be permitted within a DTNC, DTNT, DTNN, or CZD District.

D.E. USE-SPECIFIC STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#), or [Section 4.5.5, Standards for Specific Secondary Uses](#), as appropriate shall apply to development in a CZD District.

¹⁸ STN18 Clarify how densities operate within conditional zoning districts.



E.F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZD district. Type 3 Conditional Rezoning applications shall comply with the standards in [Section 3.3.1E.8, Limitations on Reductions](#).

3.3.4 (CZI) CONDITIONAL INDUSTRIAL

A. PURPOSE AND INTENT

The Conditional Industrial (CZI) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within LID or HID conventional zoning districts. The CZI District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's goals for industrial development than would result from a strict application of the standards applicable in the LID or HID districts.

B. DIMENSIONAL STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in [Section 3.2.6, \(HID\) Heavy Industrial](#), shall apply to all development within a CZI District.

C. ALLOWABLE DENSITY¹⁹

Unless modified as part of a Type 3 Conditional Rezoning application and [Section 3.5, Incentives and Alternatives](#), the maximum density standards in [Section 3.2.6, \(HID\) Heavy Industrial](#), shall apply to all development within a CZI District.

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the LID, HID, or CZI columns of the table in [Section 4.2.5, Listing of Common Principal Uses](#).
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the LID, HID, or CZI columns of the table in [Section 4.5.4, Listing of Common Secondary Uses](#).
3. In no instance shall a principal or secondary use that is not listed in the CZI column of the appropriate table be permitted within a LID, HID, or CZI District.

E. USE-SPECIFIC STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#), or [Section 4.5.5, Standards for Specific Secondary Uses](#), as appropriate shall apply to development in a CZI District.

E.F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZI district. Type 3 Conditional Rezoning applications shall comply with the standards in [Section 3.3.1E.8, Limitations on Reductions](#).

¹⁹ STN18 Clarify how densities operate within conditional zoning districts.



3.3.5 (CZM) CONDITIONAL MIXED-USE

A. PURPOSE AND INTENT

The Conditional Mixed-Use (CZM) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within the MXD conventional zoning district. The CZM District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's goals for industrial development than would result from a strict application of the standards applicable in the CZM district.

B. DIMENSIONAL STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.8, (MXD) Mixed-Use, shall apply to all development within a CZM District.

C. ALLOWABLE DENSITY²⁰

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives, the maximum density standards in Section 3.2.8, (MXD) Mixed-Use, shall apply to all development within a CZM District.

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the MXD and CZM columns of the table in Section 4.2.5, Listing of Common Principal Uses.
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the MXD and CZM columns of the table in Section 4.5.4, Listing of Common Secondary Uses.
3. In no instance shall a principal or secondary use that is not listed in the MXD or CZM columns of the appropriate table be permitted within a CZM District.

E. USE-SPECIFIC STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the use-specific standards in Section 4.3, Standards for Specific Principal Uses, or Section 4.5.5, Standards for Specific Secondary Uses, as appropriate shall apply to development in a CZM District.

F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZM district. Type 3 Conditional Rezoning applications shall comply with the standards in Section 3.3.1E.8, Limitations on Reductions.

²⁰ STN18 Clarify how densities operate within conditional zoning districts.



3.3.6 (CZR) CONDITIONAL RESIDENTIAL

A. PURPOSE AND INTENT

The Conditional Residential (CZR) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within the RHD, RLL, RLD, RMD, RMF, or RUR conventional zoning districts. The CZR District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's goals for industrial development than would result from a strict application of the standards applicable in the RHD, RLL, RLD, RMD, RMF, or RUR districts.

B. DIMENSIONAL STANDARDS

1. Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.15, (RMD) Residential Medium Density shall apply to single-family detached, bungalow courts, pocket neighborhoods, and conservation subdivisions development within a CZR District.
2. Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.16, (RMF) Residential Multi-Family, shall apply to single-family attached, multi-family, duplex, triplex, and quadplex, live/work, and upper-story residential dwellings within a CZR district.²¹

C. ALLOWABLE DENSITY²²

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives, the maximum density standards in Section 3.2.16, (RMF) Residential Multi-Family, shall apply to all development within a CZR District.

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the RHD, RLL, RLD, RMD, RMF, RUR, or CZR columns of the table in Section 4.2.5, Listing of Common Principal Uses.
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the RHD, RLL, RLD, RMD, RMF, RUR, or CZR columns of the table in Section 4.5.4, Listing of Common Secondary Uses.
3. In no instance shall a principal or secondary use that is not listed in the RHD, RLL, RLD, RMD, RMF, RUR, or CZR columns of the appropriate table be permitted within a CZR District.

E. USE-SPECIFIC STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the use-specific standards in Section 4.3, Standards for Specific Principal Uses, or Section 4.5.5, Standards for Specific Secondary Uses, as appropriate shall apply to development in a CZR District.

²¹ STN 17. Need to clarify how density framework can be established for multi-family development in the CZ district.

²² STN18 Clarify how densities operate within conditional zoning districts.



- D. Signage provisions shall be applied to individual lots and uses unless subject to a uniform sign plan in accordance with [Section 2.3.20F.2, Uniform Sign Plan](#).

3.5 INCENTIVES AND ALTERNATIVES

3.5.1 DENSITY

Unless otherwise indicated in this Ordinance, the maximum residential density for a conventional or conditional zoning district may be increased beyond the amount identified in [Section 2.3.8, Conventional Rezoning](#), and [Section 3.3, Conditional Zoning Districts](#), only in accordance with the following:

- A. [Configuration of a residential subdivision as a conservation subdivision in accordance with \[Section 2.3.7, Conservation Subdivision\]\(#\)](#).
- ~~A.B.~~ Provision of sustainable development features in accordance with [Section 6.17, Sustainable Development Incentives](#);
- ~~B.C.~~ Voluntary compliance with [Section 6.2.6, Single-Family Residential Design Guidelines](#), as applied to a single-family detached [use dwelling](#), [a single-family attached dwelling](#), a duplex, [triplex, or quadplex](#) -use, or ~~a single-family attached dwelling~~; ~~and~~; ~~or~~
- ~~C.D.~~ [Approval of a Type 3 conditional zoning district application in accordance with \[Section 2.3.6, Conditional Rezoning\]\(#\)](#) [Density increases resulting from provision of sustainable development features and voluntary compliance with design guidelines may be combined within the same development](#).¹⁴

3.5.2 DIMENSIONAL STANDARDS

Required dimensional standards on lots in conventional, conditional, or overlay districts may be reduced or revised in accordance with the following:

- A. [Section 2.3.1, Administrative Adjustment](#);
- ~~A.B.~~ [Section 2.3.7, Conservation Subdivision](#);
- ~~B.C.~~ [Section 6.17, Sustainable Development Incentives](#); or
- ~~C.D.~~ [Section 2.3.29, Variance](#).

3.5.3 ALTERNATIVE MEANS OF COMPLIANCE

- A. Principal and secondary structures and uses may encroach into required setbacks in accordance with [Section 3.6.9, Setback Encroachments](#).
- B. Deviations or exceptions to maximum building height provisions are permitted in accordance with [Section 3.6.4D, Exceptions](#).
- C. Alternative site access to single-family detached and duplex dwellings may be established in accordance with [Section 6.1.4D.5, Alternative Access](#).
- D. Alternatives to landscaping and screening requirements may be proposed in accordance with [Section 6.6.10C, Alternative Landscape Plans](#).
- E. Alternative off-street parking facilities may be provided in accordance with [Section 6.9.8, Parking Flexibility](#).
- F. Alternative signage configuration may be proposed in accordance with [Section 2.3.20K, Alternative Sign Plan](#).

¹⁴ STN 18. Remove circular reference and clarify density bonuses may be stacked.



3.6.8 SETBACKS

A setback is the horizontal distance from a lot line or street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line. Setbacks are measured from lot lines, not easements or required landscaping areas; however, limitations on uses, structures, or plantings in easements or required landscaping areas still apply, regardless of required setbacks.¹⁵

A. PERIMETER SETBACK

Setbacks applied to unified developments or multiple building developments or two or more lots apply only to the outermost buildings along the perimeter of a development. A perimeter setback does not apply along streets, where the minimum or maximum required street setback shall prevail.

B. REAR SETBACK

A setback from an interior lot line lying on the opposite side of the lot from the street setback.

C. SETBACKS FROM RAILROADS OR SIDINGS

Lots serving industrial or commercial uses and abutting a railroad or railroading siding are not required to provide a side or rear setback from the railroad or siding.

D. SIDE SETBACK

Any interior property line setback other than a rear setback.

¹⁵ STN25 Clarify where setbacks are measured from. Note there still needs to be continued discussion regarding instances where utility easements or landscape buffers combine to render a lot as unbuildable (because they occupy a significant portion of the lot).



Chapter 3 Districts

Section 3.7 Overlay Zoning Districts

Sub-section 3.7.2 FPOD Flood Protection Overlay District

effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

iv. TANK INLETS AND VENTS

Tank inlets, fill openings, outlets and vents shall be at or above the regulatory flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood, and anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

j. OTHER DEVELOPMENT

- i. Fences in regulated floodways and non-encroachment areas that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 6.3, Fences and Walls.
- ii. ~~Retaining walls, sidewalks and driveways in regulated floodways and non-encroachment areas.~~ Retaining walls, greenways, multi-use paths, trails, and sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3.7.2B.5, Floodways and Non-Encroachment Areas.

k. ROADS AND WATERCOURSE CROSSINGS

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways or non-encroachment areas shall meet the limitations of Section 3.7.2B.5, Floodways and Non-Encroachment Areas.

3. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the special flood hazard areas designated as Approximate Zone A and established in Section 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas, where no base flood elevation data has been provided by FEMA, the following provisions, in addition to the provisions of Section 3.7.2B.1, General Standards, shall apply:

- a. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. The base flood elevation used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - i. When base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with standards in Section 3.7.2B.1, General Standards, and Section 3.7.2B.2, Specific Standards.
 - ii. When floodway or non-encroachment data is available from a federal, state, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 3.7.2B.2, Specific Standards, and Section 3.7.2B.5, Floodways and Non-Encroachment Areas.
 - iii. All subdivision, manufactured home park, and other development proposals shall provide base flood elevation data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such base flood elevation data shall be adopted by reference in accordance with Section 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas, and utilized in implementing this section.

Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

P = Permitted, subject to a Zoning Permit & applicable use standards
 S = Permitted, subject to a Special Use Permit & applicable use standards
 C = Permitted within a conditional zoning district, subject to applicable use standards
 "•" = Prohibited
 [#] = Table note (see end of table)

USE TYPE	CONVENTIONAL RESIDENTIAL DISTRICTS						CONVENTIONAL NON-RESIDENTIAL DISTRICTS							SPECIAL DISTRICTS			CONDITIONAL DISTRICTS					USE STANDARDS		
	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNT	DTNN	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD		CZI	
Outdoor Commercial Recreation	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	C	-	C	4.3.92	
Packaging and Shipping	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	-	C	C	C	C	-	
Parking Lot	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	4.3.97	
Parking Structure	-	-	-	-	-	-	-	P	S	S	-	-	-	-	-	-	-	-	-	C	C	-	4.3.98	
Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	4.3.99	
Pharmacy	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	4.3.100	
Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	4.3.104	
Repair Shop	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	-	C	C	C	C	4.3.107	
Restaurant Indoor and Outdoor Seating	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	4.3.110	
Restaurant Indoor Seating Only	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	-	
Restaurant Walk-up Service Only	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	-	
Restaurant with Drive Through	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	C	C	C	-	4.5.5K	
Retail, General	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	-	C	C	C	C	4.3.111	
Retail, Large Format	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	C	-	C	4.3.112	
Retail, Micro	-	-	-	-	-	P	-	P	P	P	P	P	-	-	-	P	-	C	C	C	C	C	4.3.113	
Sexually-Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	4.3.118	
Storage, Indoor and Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-P	-	-	-	-	-	-	-	-	-C	4.3.124	
Storage, Indoor Only	-	-	-	-	-	-	-	-	-	-	-	-	-P	-	-	-	-	-	-	-	-	-C	4.3.123	
Tanning Salon	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	
Tattoo & Piercing Establishment	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	-	C	-	C	C	4.3.126
Theatre, Indoors	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	P	-	-	C	C	C	-	-	
Theatre, Outdoors	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	C	-	-	4.3.129	
Tobacco, CBD, and Vapor Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	4.3.130	
Vehicle Painting/ Bodywork	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	C	4.3.136	
Vehicle Parts and Accessory Sales	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	C	-	-	4.3.137	



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

P = Permitted, subject to a Zoning Permit & applicable use standards
 S = Permitted, subject to a Special Use Permit & applicable use standards
 C = Permitted within a conditional zoning district, subject to applicable use standards
 "•" = Prohibited
 [#] = Table note (see end of table)

USE TYPE	CONVENTIONAL RESIDENTIAL DISTRICTS						CONVENTIONAL NON-RESIDENTIAL DISTRICTS								SPECIAL DISTRICTS			CONDITIONAL DISTRICTS					USE STANDARDS
	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNT	DTNN	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD	CZI	
Recycling Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	C	4.3.105
Research and Development	-	-	-	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	C	C	C	C	
Salvage and Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	4.3.114
Transfer Station		-	-	-	-	-	-	-	-	-	-	-	-		-	-	P	-	-	-	-	C	4.3.131
Warehouse, Distribution or Storage	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	-	C	4.3.144
Wholesale Sales, Indoor and Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	-	C	4.3.145
Wholesales Sales, Indoor Only	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	-	C	
Wind Energy Conversion	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	4.3.146
INSTITUTIONAL USE CLASSIFICATION																							
Adult Day Care	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	P	-	C	C	C	C	C	4.3.3
Antenna Collocation, Major	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	-	C	C	C	C	4.3.10
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	C	C	C	C	C	4.3.11
Arboretum or Formal Garden	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	P	C	C	C	C	-	
Athletic Field or Court	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	P	P	C	C	C	-	-	
Auditorium, Coliseum, Convention Center	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-	P	-	C	C	C	-	4.3.14
Broadcasting Studio	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	P	-	-	-	C	-	
Bus Station	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	P	P	C	C	C	C	C	
Cemetery or Mausoleum	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	C	-	C	-	-	4.3.27
Child Day Care	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	P	-	C	C	C	C	C	4.3.29
College or University	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	P	-	C	C	C	-	
Community Center	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	P	-	C	C	C	C	-	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	P	P	C	C	C	C	-	
Community Recreation Facility (private)	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	P	-	C	C	C	C	-	
Fire/EMS/ Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	C	C	C	C	C	4.3.50
Fraternal Club or Lodge	-	P	P	P	P	-	P	-	-	-	-	-	-	-	-	P	-	C	C	C	C	C	4.3.53
Golf Course (public or private)	P	P	P	P	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	C	-	-	



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

P = Permitted, subject to a Zoning Permit & applicable use standards
 S = Permitted, subject to a Special Use Permit & applicable use standards
 C = Permitted within a conditional zoning district, subject to applicable use standards
 "•" = Prohibited
 [#] = Table note (see end of table)

USE TYPE	CONVENTIONAL RESIDENTIAL DISTRICTS						CONVENTIONAL NON-RESIDENTIAL DISTRICTS								SPECIAL DISTRICTS			CONDITIONAL DISTRICTS					USE STANDARDS
	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNT	DTNN	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD	CZI	
Congregate Care	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.34
Conservation Subdivision [1]	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	-	C	C	-	-	-	4.3.35
Continuing Care Retirement Community	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.36
Duplex Dwelling [1] ¹⁸	-	-	-	-P	-P	P	-	-	-	-	P	-	-	-	-	P	-	C	C	-	C	-	4.3.41
Family Care Home	P	P	P	P	P	P	-	P	P	P	P	-	-	-	-	P	-	C	-	-	-	-	4.3.46
Group Home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.62
Halfway House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.64
Homeless Shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.68
Live/Work	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	P	-	C	C	C	C	C	4.3.77
Manufactured Home (Class A Doublewide)	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.79
Manufactured Home (Class B Singlewide)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.80
Manufactured Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.81
Mobile Home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Multi-Family Dwelling	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	-	C	C	-	C	-	4.3.86
Pocket Neighborhood [1]	-	-	-	P	P	P	-	-	-	-	P	-	-	-	-	P	-	C	C	-	C	-	4.3.101
Single-Family Attached Dwelling [1]	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	P	-	C	C	C	C	-	4.3.119
Single-Family Detached Dwelling	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	P	-	C	-	-	C	-	4.3.120
Triplex or Quadplex [1]	-	-	-	-	-P	P	-	-	-	-	-	-	-	-	-	P	-	C	C	C	C	-	4.3.132
Upper-Story Dwelling	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	P	-	C	C	C	C	-	4.3.133

NOTES:

[1] Not permitted on lots within the downtown boundary as designated in the 2045 Comprehensive Growth Plan Future Land Use Map unless permitted by and located within the CZD zoning district.

¹⁸ STN 32 Remove duplexes, triplexes, quadplexes as by-right and permit in conditional districts instead.



Chapter 4 Land Uses

Section 4.3 Standards for Specific Principal Uses

Sub-section 4.3.28 Check Cashing /Pay Day Lending

- A. New cemeteries shall be located on a site or parcel with an area of at least two acres; this standard shall not apply to existing cemeteries or the expansion of existing cemeteries;
- B. New cemeteries shall be located on a site or parcel that fronts a collector or higher classification street; this standard shall not apply to existing cemeteries or the expansion of existing cemeteries;
- C. Cemeteries shall include drive aisles or vehicular accessways of at least 12 feet in width or greater as needed for the parking and maneuvering of funeral processions; and
- D. Interments shall take place at least 25 feet from any lot line and comply with all applicable requirements of the North Carolina General Statutes.

4.3.28 CHECK CASHING /PAY DAY LENDING

Check cashing establishments and pay day lending uses shall comply with the following standards:

- A. Such uses shall not include a drive through window or drive-up service;
- B. No products shall be offered for retail or wholesale sale; and
- C. In no instance shall the use be configured with outdoor gathering areas or locations where persons may gather outdoors when not engaged in transactions with the use.

4.3.29 CHILD DAY CARE

Child day care centers shall comply with the standards for licensure in Article 7, Chapter 110, of the North Carolina General Statutes, as well as the Summary of North Carolina Child Care Laws and Rules pamphlet, as amended, prepared by the NC Department of Health and Human Services.

- A. The use shall not permit overnight accommodation of patrons;
- B. The use shall include a fenced outdoor gathering area of at least 25 square feet per patron receiving care;
- C. The use includes a pick-up and drop-off area that allows patrons to enter and exit vehicles without crossing a parking lot or vehicular accessway;
- D. The pick-up and drop-off area shall not be located within a required yard or landscaping area;
- E. The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards; and
- F. A child day care shall provide a Type C perimeter buffer configured in accordance with Section 6.6.12, Perimeter Buffers, along all lot lines that abut a residential district.

4.3.30 COFFEE SHOP OR BAKERY¹⁶

~~A. To assure provision of adequate parking, the maximum amount of seating and/or square footage of the public floor area for a coffee shop or bakery in a multi-tenant building shall be specified at the time of site plan approval;~~

~~B.~~ A. Except in the Downtown district, a coffee shop or bakery in its own principal building shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential district; and

~~C.~~ B. Coffee shops or bakeries with outdoor seating or gathering areas shall comply with the standards in Section 4.5.5T, Outdoor Dining or Seating.

4.3.31 COMMUNITY CENTER

- A. The main entrance to the lot or site shall be served or have direct access to a collector or higher classification street;
- B. Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district;
- C. Community centers proposed in residential districts shall be on a lot of at least two acres in area;

¹⁶ STN 31 clarify why special parking standards are applied to coffee shops and bakeries



Chapter 4 Land Uses

Section 4.5 Secondary Uses

Sub-section 4.5.1 Establishment of a Secondary Use

9. Bulk storage of flammable or hazardous liquids;
10. Funeral homes and mortuaries; and
11. Animal hospitals, boarding of animals as a commercial enterprise, and kennels operated as a commercial enterprise.

4.5 SECONDARY USES

4.5.1 ESTABLISHMENT OF A SECONDARY USE

- A. Secondary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No secondary use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.
- B. Except when indicated as a special use or a conditional [zoning district](#) use in Table 4.5.4, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a Zoning Compliance Permit in accordance with [Section 2.3.31, Zoning Compliance Permit](#).
- C. In cases where a secondary use or structure is identified as a special use in Table 4.5.4, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a Special Use Permit in accordance with [Section 2.3.22, Special Use Permit](#).
- D. In cases where a secondary use or structure is identified as a conditional use in Table 4.5.4, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a conditional rezoning in accordance with [Section 2.3.6, Conditional Rezoning](#). Applications to establish a conditional zoning district shall include a written list of proposed secondary uses which shall be attached to the application approval along with other conditions of approval.
- E. [Section 4.5.4, Listing of Common Secondary Uses](#), may not be inclusive of all possible secondary uses, and in the event a secondary use is proposed that is not listed in the table, the Planning Director shall consult Table 4.2.5, Listing of Common Principal Uses, to determine if the proposed secondary use corresponds to a listed principal use. Any listed principal use is permitted as a secondary use in any zoning district where the principal use is permitted. In no instance shall a secondary use be permitted in a zoning district where it is prohibited as a principal use.
- F. In the event a proposed secondary use is not listed in Table 4.5.4, Common Secondary Use Table, and there is no corresponding principal use, the Planning Director shall determine how to treat the secondary use in accordance with [Section 4.7, Unlisted Uses](#).

4.5.2 INTENT OF THESE STANDARDS

This section authorizes the establishment of secondary uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of secondary uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.5.3 GENERAL STANDARDS FOR ALL SECONDARY USES

Secondary structures may deviate from these general standards and the specific standards in [Section 4.5.5, Standards for Specific Secondary Uses](#), only where expressly authorized by this Ordinance, as part of an approved Variance or Administrative Adjustment, are subject to conditions of approval associated with a type 3 Conditional Rezoning, or are configured in accordance with [Section 3.5, Incentives and Alternatives](#).



Chapter 4 Land Uses

Section 4.5 Secondary Uses

Sub-section 4.5.5 Standards for Specific
Secondary Uses

3. WITHIN A PARKING LOT

Outdoor display/sales areas located within a parking lot of a principal use shall comply with the following standards:

- a. Outdoor display/sales area shall not occupy a required parking or landscaping area.
- b. Outdoor display/sales areas shall not be located in ways that interfere with loading or on-site circulation of vehicles or pedestrians.
- c. Outdoor display/sales areas shall not include signage that is legible from off-site areas.
- d. Display areas that are inaccessible to the public are considered outdoor storage.
- e. Outdoor display/sales areas in parking lots shall comply with the dimensional requirements for the district where located.

4. ON A PUBLIC SIDEWALK

Outdoor display/sales area proposed on a public sidewalk shall comply with all applicable standards in this section and the following:

- a. Outdoor display/sales areas on a public right-of-way shall require an encroachment agreement with the Town.
- b. Products, merchandise, and display structures 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 situations. The Town is not responsible for damage to the merchandise under any circumstances.
- c. The owner or operator of the principal use displaying or selling merchandise within a public sidewalk shall be responsible for repairing any incidental damage to public sidewalk resulting from outdoor display/sale.

V. OUTDOOR STORAGE

Outdoor storage as a secondary use shall comply with the standards in [Section 4.3.124, Storage, Outdoor \(as a Principal Use\)](#).

W. PARKING OF HEAVY TRUCKS OR TRAILERS²³

1. WHERE PROHIBITED

- ~~1.a.~~ ^{4.a.} The parking or storage of motorized vehicles in excess of 10,000 pounds of gross vehicle weight, or with more than two axles, shall be prohibited ~~in all residential districts~~ ^{in accordance with Table 4.5.4, Listing of Common Secondary Uses}, except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes.
- ~~2.b.~~ ^{2.b.} The parking or storage of non-motorized vehicles with more than two axles shall be prohibited in all residential districts except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes.
- ~~3.c.~~ ^{3.c.} In no instance shall a non-motorized vehicle ~~have with~~ ^{have} an overall length exceeding 22 feet not including the tongue or towing assembly, ~~regardless of the number of axles, be parked on a lot within a residential zoning district.~~

²³ STN 8 Staff wanted clarity that heavy trucks not just prohibited in residential districts.



Chapter 4 Land Uses

Section 4.5 Secondary Uses

Sub-section 4.5.5 Standards for Specific
Secondary Uses

- d. No apparatus designed to be used as a motor vehicle or designed to be towed by a separate motorized unit or vehicle shall be used for the purposes of storage in any residential district.

2. ADDITIONAL STANDARDS

- a. Heavy trucks and trailers shall only be parked or stored in a designated parking area or a storage area that is improved with an all-weather surface (e.g., concrete, asphalt paving, gravel, or comparable material) and configured to avoid erosion or sedimentation on abutting lots or uses;
- b. Parking areas shall be configured in accordance with the standards in Section 6.6.11, Off-Street Parking Lot Landscaping;
- c. Storage areas shall be screened in accordance with Section 6.6.13, Screening;
- d. In no instance shall heavy trucks or trailers be parked or stored within the public right-of-way or within a public utility easement; and
- 4.e. Unless located within a lawfully-established vehicle and towing use, freight terminal, or salvage and junkyard principal use, all heavy trucks or trailers shall be maintained in an operable and road-ready condition at all times. Road readiness shall include display of all required license plates, placards, and certifications.

X. PARKING OF RECREATIONAL VEHICLES²⁴

1. No recreational vehicle (RV) shall be used as a permanent residence or business.
2. Nothing in this section shall preclude a RV owner from parking the RV on a parcel of land they own provided the RV is not used as an occupied dwelling or business.
3. Recreational vehicles shall meet the setbacks of a single-family dwelling in the zoning district in which it is located.
4. The An RV shall be parked on an improved surface of asphalt, concrete, gravel, or other all-weather surface suitable for vehicular parking. RV parking areas shall comply with all applicable driveway standards in Section 6.1.4, Driveways. ~~shall not be located between a principal structure and a street.~~
5. Sewer or water connections are not permitted.
6. Any source of electricity must be solely intended for the RV and be on the same parcel of land as the RV.
7. Removal of wheels of a recreational vehicle except for temporary repairs shall be prohibited.
8. Any RV subject to these standards must be road ready and capable of moving within 24 hours.
9. These standards shall not apply to RVs located within a lawfully established and operating recreational vehicle park.

Y. PLAY EQUIPMENT

1. Play equipment shall comply with the setback requirements for the zoning district where located, though it may encroach into setbacks in accordance with Section 3.6.9, Setback Encroachments.
2. In no instance shall play equipment be located between the front façade of a residential dwelling and the street it faces in cases where the lot or tract is two acres or less in area.

²⁴ STN16 concern over enforcement. Revised to remove provisions pertaining to location in favor of standards for parking areas to be improved.



B. CONNECTION TO PUBLIC POTABLE WATER SYSTEM²⁰

1. WITHIN THE CORPORATE LIMITS

- a. Each new development and each lot in all major subdivisions within the Town's corporate limits, and each development and lot in all major subdivisions in the extraterritorial jurisdiction located within a specified distance of an existing or approved but not yet constructed public potable water system shall be connected, at the developer's expense to the Town's potable water system. Mandatory connections to the public potable water system shall be in accordance with Table 6.5.10, Mandatory ~~Sewer~~ Water System Connection Required.

TABLE 6.5.10: MANDATORY WATER SYSTEM CONNECTION REQUIRED	
NUMBER OF LOTS PROPOSED TYPE OF DEVELOPMENT	MAXIMUM DISTANCE FROM EXISTING <u>PUBLIC WATER SYSTEM</u> BEFORE WATER SYSTEM CONNECTION IS NO LONGER REQUIRED (FEET) [1]
<u>SINGLE-FAMILY DETACHED RESIDENTIAL SUBDIVISION (BY # OF LOTS)</u>	
56 -20	300
21-50	500
51-100	1,000
More than 100	Connection is mandatory regardless of distance
<u>ALL OTHER RESIDENTIAL SUBDIVISIONS, NON-RESIDENTIAL DEVELOPMENT, AND MIXED-USE DEVELOPMENT</u>	
<u>1 or more lots</u>	<u>1,000 [2]</u>
NOTES: [1] Measured from closest point of proposed development to the existing or approved but not yet constructed public potable water system. <u>[2] If connection to a public potable water system is required, connection to the public sewer system is also required.</u>	

- b. In the event a ~~development~~ single-family detached residential subdivision has 100 or fewer lots and is farther from an existing water system water supply source than the maximum distance required in Table 6.5.10, Mandatory Water System Connection Required, the applicant may choose to connect the development to the public potable water supply system, but such connection is voluntary and is not required.
- ~~b.c.~~ In the event a subdivision other than one devoted to single family detached residential development, a non-residential development, or a mixed-use development is farther from an existing water system water supply source than the maximum distance required in Table 6.5.10, Mandatory Water System Connection Required, the applicant may choose to connect the development to the public potable water supply system, but such connection is voluntary and is not required.

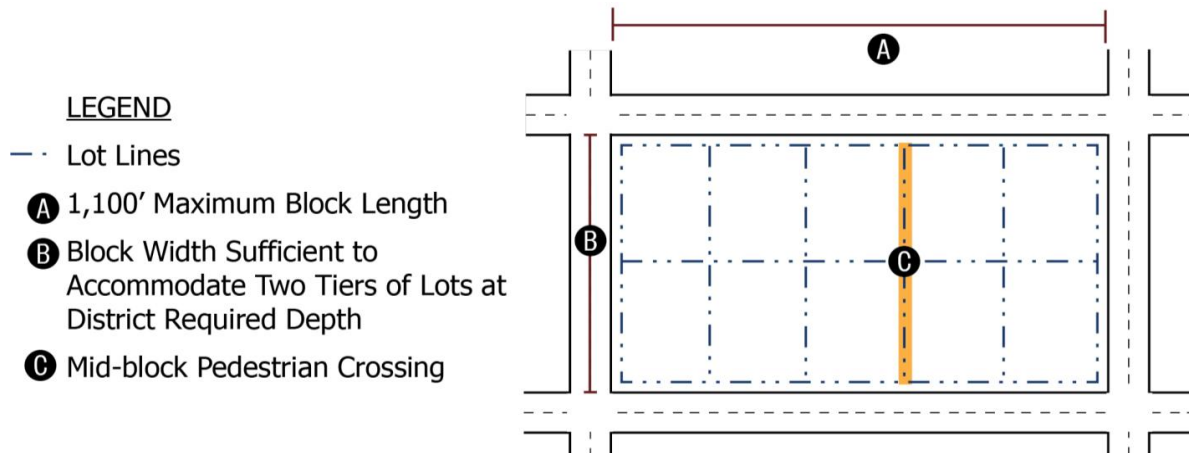
2. OUTSIDE THE CORPORATE LIMITS

- a. Where a new development or a proposed major subdivision located in the Town's extraterritorial jurisdiction and is located within a specified distance from an existing or approved but not yet constructed public potable water supply system, the applicant shall, at the applicant's expense, connect the development or subdivision lots to the

²⁰ STN 7 - Clarify how mandatory connection provisions apply to developments other than residential subdivisions



FIGURE 6.5.12.F.4: BLOCK CONFIGURATION



5. STREET CONTINUATION²¹

- a. Whenever a street within a new subdivision or development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the subdivision or development boundaries at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the development.
- b. The arrangement of streets in a subdivision or development shall provide for the alignment and continuation of existing or proposed streets into adjoining undeveloped lands or in cases where adjoining lands are developed but include opportunities for such connections.
- c. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands.
- d. In cases where a street stub cannot be continued to the property boundary because an adjacent landowner will not permit access onto the adjacent property to establish the street stub, the entity responsible for providing the street stub shall:
 - i. Ensure the street stub extends as close as possible to the property line, but in no instance farther than five feet from the property line;
 - ii. Dedicate an access easement from the termination of the street stub to the property boundary for use as a street at such time as the abutting land is developed; and
 - iii. Provide a fee-in-lieu in accordance with Section 2.3.13, Fee-in-Lieu, to be used by the Town for completing the street connection from the street stub to the new street on the abutting property.

²¹ STN5 - Results from discussions with staff regarding street continuation issues generally. The topic of street stub requirements needs further discussion with Town staff regarding more clear guidance about the conditions under which a street stub should not be required in order to avoid street stubs that are never likely to be continued.



Chapter 6 Standards

Section 6.5 Infrastructure Sub-section 6.5.12 Streets

e. New development on a vacant lot shall provide street connections to street stubs or access easements on abutting developed properties.

d.f. Major thoroughfare streets shall intersect with surrounding thoroughfare streets at safe and convenient locations, as determined by the Town and the NCDOT, as appropriate.

e.g. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.

f.h. The Site Plan or Final Plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.

g.i. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited.

6. STREET CONNECTIVITY

Streets within new developments and subdivisions shall be connected to one another to ensure emergency access and prevent traffic congestion in accordance with the following:

a. MINIMUM CONNECTIVITY INDEX SCORE REQUIRED

All development subject to this Ordinance shall achieve an internal street connectivity score in accordance with the following table:

TABLE 6.5.12.F.6: MINIMUM STREET CONNECTIVITY INDEX SCORE	
ZONING DISTRICT WHERE LOCATED [1]	MINIMUM REQUIRED INDEX SCORE
RUR, RLL, RLD	1.20
LID, HID, CZI	1.25
RMD, RHD, CZR	1.30
NCM, PUB, CZC	1.40
DTNC, DTNN, DTNT, MXD, CZM, CZD	1.50
NOTES: [1] In cases where a single development is located within more than one zoning district, the connectivity index score shall be based on the zoning district with the highest minimum score requirements.	

b. CONNECTIVITY INDEX SCORE CALCULATION²²

- The connectivity index for a development is calculated by dividing its links by its nodes.
- Figure 6.5.12.F.6, Street Connectivity Index Example, provides an example of how to calculate the connectivity index. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs located at development boundaries are considered as links, but temporary dead-end streets internal to a development or alleys are not counted as links. One link beyond every node that exists in the development and provides access to the street system outside the development shall be included in the index calculation.
- In the diagram, there are 37 links (circles) and 22 nodes (stars); therefore, the connectivity index is 1.68 ($37/22 = 1.68$).

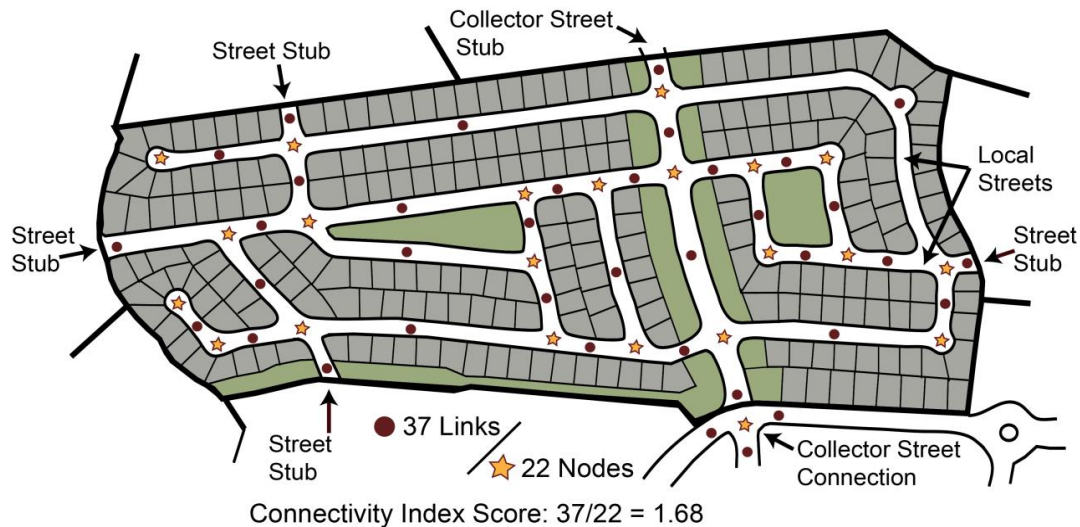
FIGURE 6.5.12.F.6: STREET CONNECTIVITY INDEX EXAMPLE

²² STN 26 Clarify that only street stubs at development boundaries may be counted as links in the connectivity index calculation



Chapter 6 Standards

Section 6.5 Infrastructure Sub-section 6.5.12 Streets



c. REDUCTION IN MINIMUM INDEX SCORE

The minimum connectivity index score may be reduced if the developer demonstrates it is not possible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity index score as is reasonably practical.

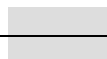
7. DEVELOPMENT ENTRY POINTS²³

- a. All new subdivisions and developments shall provide development entry points in accordance with this section. Development entry points are vehicular accessways that provide direct access to streets located streets from the development to the street system outside the development. Development entry points shall be configured in accordance with the following table:

TABLE 6.5.12.F.7: MINIMUM NUMBER OF DEVELOPMENT ENTRY POINTS [1]

TYPE OF PROPOSED DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS DEVELOPMENT ENTRY POINTS [2] [3] [4]
Single-Family Detached Residential, Duplex, Triplex, and Quadplex	50 or fewer lots or units	1
	51 to 100 lots or units	2
	101 or more lots or units	3+ as required by a Transportation Impact Analysis
	less than 100 <u>or fewer</u> units	2

²³ STN 5 Changes based on staff discussion regarding clarity for development of 100 or fewer units and clarity regarding the ability of street stubs qualifying as development entry points.



Chapter 6 Standards

Section 6.5 Infrastructure Sub-section 6.5.12 Streets

TABLE 6.5.12.F.7: MINIMUM NUMBER OF DEVELOPMENT ENTRY POINTS [1]

TYPE OF PROPOSED DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS DEVELOPMENT ENTRY POINTS [2] [3] [4]
Single-Family Attached Development, Multi-Family, and Mixed-Use Development	101 to 500 units	3
	501 or more units	4
Non-Residential Development [35]	Less than 10 acres	1
	10 to 50 acres	2
	More than 50 acres	3

NOTES:

[1] Development entry points are vehicular accessways that provide direct access ~~shall refer~~ to streets, not driveways.

[2] When two or more development entry points are required, each access should be made to a separate street, to the maximum extent practicable.

[3] Additional development entry points may be required by the Town.

[34] Up to two street stubs may be counted as development entry points for a subdivision or development, but all subdivisions and developments must comply with all applicable Fire Code access provisions.

[5] Industrial development is exempted from these standards.

FIGURE 6.5.12.F.7: DEVELOPMENT ENTRY POINTS



3. MAINTENANCE

- a. Neither the Town of Clayton nor NCDOT shall be responsible for maintenance of private streets.
- b. Private streets may be marked with signage indicating where Town or State maintenance responsibility stops.

4. PRIVATE STREET DEED DISCLOSURE

Every deed created for a lot served by a private street subject to this Ordinance filed with the Johnston County Register of Deeds shall include the following disclosure:

"It is hereby acknowledged that a Subdivision Streets Disclosure Statement has been executed in accordance with Section 136-102.6 of the North Carolina General Statutes."

5. COMPLIANCE WITH EASEMENTS

All private streets shall be located within an access easement configured in accordance with the applicable requirements in [Section 6.5.7, Easements](#).

~~6. VEHICULAR GATES~~

- ~~a. In no instance shall vehicular gates be placed across public street rights-of-way.~~
- ~~b. Gates on a non-residential, mixed-use, or multi-family site shall:~~
 - ~~i. Conform to Town requirements for emergency access;~~
 - ~~ii. Be located no closer than 50 feet to the street right-of-way;~~
 - ~~iii. Be served by a vehicular turnaround; and~~
 - ~~iv. Be reviewed and approved by the Technical Review Committee.~~

H. CURB AND GUTTER

1. All public streets, whether inside the corporate limits of the Town or outside the Town's corporate limits but abutting land served by public water or sewer, shall be constructed with curb and gutter.
2. Curb and gutter shall be configured in accordance with the Town's Engineering Specifications and Design Manual.
3. Rolled or valley-type curbs may be permitted for new residential streets, but are prohibited on residential collector and other collector streets.

I. STREET NAMES

1. All street names, including names for private streets, shall be in accordance with the County's street naming ordinance, and shall require approval by Johnston County prior to recordation of a Final Plat.
2. Where proposed streets are extensions of existing streets, or are in obvious alignment with existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.
3. Proposed street names shall not duplicate or phonetically approximate the name of any street anywhere within Clayton or unincorporated Johnston County.

J. STREET SIGNS

1. The subdivider or developer shall install street signs as part of new development.
2. All streets within a development shall be marked with a street name sign of a design specification and location in accordance with Town requirements.



3. Decorative street signs shall be approved as to form and configuration by the Town or NCDOT, as appropriate, prior to installation.
4. In cases where decorative street signs are proposed, the developer or subdivider shall be responsible for the cost of the decorative street signs.
5. Street signs shall be configured as break away signs in the event of collision with a vehicle.
6. All street name signs shall conform to Town and NCDOT standards.
7. Street name signs shall be installed free of visual obstruction.

K. TRAFFIC CONTROL DEVICES

1. If deemed necessary by the Town or by NCDOT, signals shall be installed by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road.
2. Signs and signals shall comply with NCDOT regulations with regards to size, shape, color, location, and information contained thereon.
3. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" street intersection.
4. Signs and signals shall be installed free of visual obstruction.

L. VEHICULAR GATES²⁴

1. In no instance shall vehicular gates be placed across public street rights-of-way.
2. Nothing shall prohibit the installation of vehicular gates across a private driveway or site accessway that is not a public street.
3. Gates on a non-residential, mixed-use, or multi-family site shall:
 - a. Conform to Town requirements for emergency access;
 - b. Be located no closer than 50 feet to the street right-of-way;
 - c. Be served by a vehicular turnaround; and
 - d. Be reviewed and approved by the Technical Review Committee.

²⁴ STN 21 Clarify that gates can obstruct access on a private drive or a driveway.



6.5.13 WASTEWATER

All development connected to a potable water supply shall include a wastewater treatment system configured to comply with the following standards:

A. WASTEWATER TREATMENT SYSTEM REQUIRED

1. Every development, building lot, and manufactured home space shall be served by a wastewater treatment or disposal system that is adequate to accommodate the reasonable needs of the use(s) or lot(s) and complies with all applicable Town, County, and State requirements.
2. All materials and pipes shall be provided by the subdivider and shall meet or exceed the requirements established by a State, Town, or utility service provider requirements for wastewater.
3. The Town may, before issuing any approval under this Ordinance, make the investigation and require the developer to submit the information as appears reasonably necessary to ensure that the development will be able to comply with the wastewater treatment or disposal system requirements of this Ordinance.

B. CONNECTION TO PUBLIC WASTEWATER TREATMENT SYSTEM

1. WITHIN THE CORPORATE LIMITS²⁵

- a. Each new development and each lot in all major subdivisions within the Town's corporate limits, and each development and lot in all major subdivisions in the extraterritorial jurisdiction located within a specified distance of an existing or approved but not yet constructed gravity-fed public wastewater treatment line shall be connected, at the developer's expense to the Town's wastewater treatment system. Mandatory connections to public sanitary sewer service shall be in accordance with Table 6.5.13.B, Mandatory Sewer System Connection Required.

TABLE 6.5.13.B: MANDATORY SEWER SYSTEM CONNECTION REQUIRED

NUMBER OF LOTS PROPOSED TYPE OF DEVELOPMENT	MAXIMUM DISTANCE FROM EXISTING PUBLIC SEWER SYSTEM BEFORE SEWER SYSTEM CONNECTION IS NO LONGER REQUIRED (FEET) [1]
SINGLE-FAMILY DETACHED RESIDENTIAL SUBDIVISION (BY # OF LOTS)	
5-20	300
21-50	500
51-100	1,000
More than 100	Connection is mandatory within 5,000 linear feet
ALL OTHER RESIDENTIAL SUBDIVISIONS, NON-RESIDENTIAL DEVELOPMENT, AND MIXED-USE DEVELOPMENT	
1 or more lots	1,000 [2]

NOTES:

[1] Measured from closest point of proposed development to the existing or approved but not yet constructed public sewer system.

²⁵ STN 27 The rules for mandatory connection to wastewater need to be clarified for things that are not major subdivisions. NOTE: The Town needs to review SL2023-90 with respect to its impact on mandatory sewer connection requirements.



Chapter 6 Standards

Section 6.5 Infrastructure

Sub-section 6.5.13 Wastewater

[2] If connection to a public sewer system is required, connection to the public potable water system is also required.

b. In the event a ~~development~~ single-family detached residential subdivision has 100 or fewer lots and is farther than the maximum distance required in Table 6.5.13.B, Mandatory Sewer System Connection Required, the applicant may choose to connect the development to the public sewer system, but such connection is voluntary and is not required.

b.c. In the event a subdivision other than one devoted to single family detached residential development, a non-residential development, or a mixed-use development is farther from an existing water system water supply source than the maximum distance required in Table 6.5.13.B, Mandatory Sewer System Connection Required, the applicant may choose to connect the development to the public sewer system, but such connection is voluntary and is not required.

2. OUTSIDE THE CORPORATE LIMITS

- a.** Where a new development or a proposed major subdivision located in the Town's extraterritorial jurisdiction and is located within a specified distance from an existing or approved but not yet constructed gravity-fed public wastewater line, the applicant shall, at the applicant's expense, connect the development or subdivision lots to the Town's public wastewater treatment system. Minimum connection distances shall be in accordance with Table 6.5.13.B, Mandatory Sewer System Connection Required, except that if a new development or major subdivision is more than 1,000 linear feet from an existing sanitary sewer service line, connection to the Town's sanitary sewer system is voluntary at the discretion of the applicant.
- b.** In the event a development in the extraterritorial jurisdiction is farther than the maximum distance required in Table 6.5.13.B, Mandatory Sewer System Connection Required, the applicant may choose to connect the development to the public sewer system, but such connection is voluntary and is not required.
- c.** No public wastewater treatment system service shall be provided to any lot or development outside the Town's corporate limits, except in accordance with one of the following:
 - i.** If the lot or site is contiguous to the Town's corporate limits, the landowner shall immediately petition for and obtain annexation of the property into the Town's corporate limits.
 - ii.** If the lot or site is not then contiguous to the Town's corporate, the landowner shall enter into a written agreement with the Town for the voluntary annexation of the lot or site at such future date as indicated by the Town.
 - iii.** The Town Council may negotiate terms for voluntary annexation of major industrial or commercial tracts which require water and/or sewer system extensions.
- 3.** Any applicant desiring to extend public wastewater treatment system service in an area where no public wastewater treatment service is available shall apply, in writing, to the Town for a specific daily allocation for such services.

C. CONFIGURATION

Public wastewater treatment systems shall comply with the following requirements:

- 1.** The minimum diameter for a sewer main shall be eight inches.
- 2.** All sewer mains shall be installed at a maximum depth to ensure service to as large an area as possible.



6.6.9 PLANT PLACEMENT

A. OUTSIDE PUBLIC STREET RIGHTS-OF-WAY

1. Except for street trees, required landscaping material shall not be located within a street right-of-way.
2. Street trees may be located within a street right-of-way in the DTNC, DTNN, and DTNT districts as well as within the GTOD when specified by adopted policy guidance.
3. Where provided, street trees shall be configured in accordance with [Section 6.6.15, Street Trees](#).

B. GROUPING OF PLANT MATERIAL

1. Except for street trees, vegetation within a type A perimeter buffer, shrubs around a parking lot perimeter, or when vegetation is included as a screening device in accordance with [Section 6.6.13, Screening](#), required plant material may generally be grouped or clustered, however, the overall screening intent must be adequately addressed.
2. Required plant material in a type A perimeter buffer may not be grouped, and shall be planted according to the required on-center spacing in Table 6.6.12.D, Perimeter Buffer Configuration.
3. Street trees shall maintain on-center spacing requirements in [Section 6.6.15, Street Trees](#).
4. Shrubs intended to screen features in accordance with [Section 6.6.13, Screening](#), may not be grouped if such grouping results in the failure to meet the minimum screening standards of this Ordinance.

C. MULTIPLE-LOT UNIFIED DEVELOPMENT

A multiple-lot unified development is not required to provide perimeter buffers along lot lines internal to the development, but the perimeter of the development shall be subject to the standards in [Section 6.6.12, Perimeter Buffers](#).

D. EASEMENTS

1. Landscaping material may not be located within a public utility or drainage easement.
2. When authorized, trees and shrubs may be located within a required easement on a case-by-case basis with the permission of the easement holder.
3. When landscaping is within an easement, the landowner is responsible for replacement of any required vegetation if maintenance or other actions result in its removal.
4. Where an easement and a required landscape area coincide and there is a prohibition on planting within the easement, then the required landscaping area shall be located outside the easement.

E. ~~SETBACK SMALLER THAN REQUIRED~~ CONFLICTS WITH SETBACKS, EASEMENTS, AND REQUIRED LANDSCAPING AREAS²⁶

In cases where a required setback or yard is smaller or more narrow than a required landscaping area, or when a public utility or drainage easement exists within the area to be occupied by a required landscaping area, the landscaping area width or size shall not be reduced except as authorized by any of the following:

1. An alternative landscape plan;

²⁶ STN 28 How are setbacks measured when there is a utility easement or required landscaping area parallel to the lot line? NOTE: There is a larger issue to discuss here, which is how will the Town address situations where a public utility easement and/or a required landscaping buffer make a lot unbuildable. How much land occupied by a utility easement and adjacent landscaping buffer is too much?



Chapter 6 Standards

Section 6.7 Open Space Set-Aside and Parkland Sub-section 6.7.1 Open Space Set-Aside

- a. Development of an individual single-family dwelling (including manufactured homes) on lots platted prior to January 2, 2024;
- b. Single-family detached residential subdivisions comprised solely of five or fewer lots where all lots are intended for single-family detached residential dwellings;
- c. Development consisting of up to five duplex, triplex, or quadplex buildings (not individual units); and
- d. Development located within the CON district.

D. MINIMUM OPEN SPACE SET-ASIDE REQUIREMENTS²⁷

1. AMOUNT

- a. The minimum required amount of open-space set-aside, as a percentage of a development's size, shall be in accordance with the dimensional standards for the type of use in the zoning district where the development is located. Chapter 3, Districts, sets out the open space set-aside requirements for each zoning district.
- b. Nothing shall limit the provision of more open space set-aside, provided the minimum requirements in this Ordinance are met.

2. TYPE

- a. Table 6.7.1.D, Open Space Type, identifies the form(s) of open space set-aside required by this Ordinance.

TABLE 6.7.1.D: OPEN SPACE SET-ASIDE TYPE

ZONING DISTRICT WHERE LOCATED [1]	TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]	
CRM, HID, LID, NCM, OFI, CZC, CZI	Passive Open Space [3]	
DTNC, DTNN, DTNT, CZD	Gathering Space [4]	
MXD, CZM	Active Open Space [5]	
PUB	Passive Open Space [5]	
RHD, RLL, RLD, RMD, RMF, RUR, CZR	Residential Development <u>or</u> <u>Mixed-Use Development that Includes with 6 or More Residential Units</u>	50% Active Open Space or Gathering Space [6]
	Residential Development <u>with of</u> 5 or fewer <u>units Single-Family Detached Lots</u>	N/A
	<u>Residential Development of 5 or fewer Duplex, Triplex, or Quadplex Buildings</u>	N/A
	All Other Development	Passive Open Space [5]

NOTES:

²⁷ STN 11 – staff wants consistency with minor subdivision, which is how the current standards are configured



F. MAINTENANCE OF OPEN SPACE SET-ASIDES

1. The owner of the land shall be responsible for maintenance of all open space set-aside areas including land, vegetation, private infrastructure, greenways, and other features, in accordance with this Ordinance and any conditions of approval associated with the development.
2. Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Chapter 7, Violations.

G. OWNERSHIP OF OPEN SPACE SET-ASIDES

Open space set-asides are intended to remain under private ownership while being available for use to residents and visitors in the development where located. Ownership of open space set-asides shall remain with the owner of the land, except in the following circumstances.

1. HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners' or property owners' association, which shall be established in accordance with [Section 6.8, Owners' Associations](#).

2. NONPROFIT ORGANIZATION

The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the set-aside will be properly managed and maintained.

3. DEDICATED TO TOWN OR OTHER PUBLIC AGENCY

In some cases, certain lands designated as open space set-asides, such as wildlife habitat or greenways, may be dedicated to the Town or other public agency during the development review process. The Town Council shall determine which lands and under what conditions open space set-asides may be dedicated to the Town or other public agency.

6.7.2 PARKLAND DEDICATION²⁸

Subdivisions of land for ~~five~~ six or more single-family residential lots (including detached or attached units) shall be required to dedicate a portion of the land, or pay a fee-in-lieu thereof, for public parkland, in accordance with the standards of this section.

A. DEDICATION AMOUNT

1. Single-family residential subdivisions of ~~five~~ six or more lots shall dedicate 1,244 square feet of land per residential lot or principal dwelling unit to the Town for its use in developing public parkland.
2. No credit towards required parkland dedication is given for lands mandated for preservation by State or federal requirements.
3. No more than 25 percent of the total dedication requirement may be met through dedication of water areas.

B. DEDICATION OR PAYMENT OF FEE-IN-LIEU PROCEDURE

1. The developer or landowner, as appropriate, shall identify land proposed for dedication or propose payment of a fee-in-lieu as part of the application for approval in accordance with [Section 2.3.13, Fee-in-Lieu](#).

²⁸ STN 11 . Revised to reflect consistency with open space requirements and exemptions for minor subdivisions.



6.10 PEDESTRIAN FACILITIES

6.10.1 GREENWAYS AND TRAILS

A. GREENWAYS AND TRAILS DISTINGUISHED

1. GREENWAYS

- Greenways are linear alignments of land that incorporate an improved pedestrian walkway or multi-purpose accessway available for use by bicyclists as well as pedestrians. Greenways are located within access easements reserved for and granted to the Town for the purpose of allowing access to members of the general public.
- Greenways are located in areas designated by the Town's adopted policy guidance and may take the place of a required sidewalk or ~~side~~multi-use path.
- Greenways are constructed to Town standards and operated and maintained by the Town.
- Greenways are configured in accordance with the standards in this section.

2. TRAILS

- Trails are linear alignments of land that incorporate an improved pedestrian walkway or multi-purpose accessway available for use by bicyclists as well as pedestrians, but that are included as part of required private common open space set-aside.
- Trails are not located in access easements granted to the Town for members of the general public, though the owner(s) of a trail may make it available for use by members of the general public.
- Trails may not be substituted for required sidewalks or greenways.
- Trails are not required to be constructed to Town standards and are operated and maintained by an owners' association.
- Trails are configured in accordance with the standards in Section 6.7, Open Space Set-Aside and Parkland.

B. GREENWAY RESERVATION AND CONSTRUCTION REQUIRED²⁹

- Whenever a tract of land included within any proposed Major Subdivision, Minor Subdivision, Site Plan, or Rezoning includes any part of a greenway designated in the Town's adopted policy guidance, the land area indicated for use as a greenway alignment shall be reserved and included within an access easement in favor of the Town.
- Development on land subject to these standards shall incorporate greenway reservation and construction as specified in the relevant adopted policy guidance and in Table 6.10.1: Greenway Construction Required, as part of the required infrastructure serving the development.

TABLE 6.10.1: GREENWAY CONSTRUCTION REQUIRED

TYPE OF ACTIVITY OR DEVELOPMENT	GREENWAY CONSTRUCTION REQUIREMENT [1]
Subdivision of Land [2]	Greenway Reservation and Construction Required
Development on a Vacant Lot or Site	

²⁹ STN 29 Soften the greenway reservation requirements for additions or expansions of existing buildings to better encourage redevelopment



Chapter 6 Standards

Section 6.10 Pedestrian Facilities Sub-section 6.10.1 Greenways and Trails

TABLE 6.10.1: GREENWAY CONSTRUCTION REQUIRED

TYPE OF ACTIVITY OR DEVELOPMENT		GREENWAY CONSTRUCTION REQUIREMENT [1]
Replacement of an Existing Principal Structure		
Addition or Expansion of Existing Principal Building with no new Principal Building Construction	Total Project Cost Exceeds 75 50% of Preconstruction Assessed Value	Greenway Reservation and Construction Required
	Total Project Costs are 75 50% or less than Preconstruction Assessed Value	Greenway Reservation Required; Exempted from Greenway Construction
Change of Use with No Addition or Expansion to any Principal Building and with no New Principal Building Construction		Exempted from Greenway Reservation and Construction [3]
Addition or Expansion of a Secondary Building with no Changes to any Principal Buildings		
Establishment of or Change to Open Air Use of Land		

NOTES:

[1] Greenways are only required in locations specified in the Town's adopted policy guidance.

[2] Exempt and Limited Subdivisions are exempted from these requirements.

[3] The Town may, in its sole discretion, require reservation of land necessary for a greenway.

- In cases where a greenway extends between two or more phases of a development, only the portion of the greenway in the active phase of the development is required to be reserved and constructed.

C. GREENWAY CONFIGURATION

Greenways shall be located and configured in accordance with the Town's adopted policy guidance and the following:

1. MINIMUM GREENWAY WIDTH

The land area associated with a greenway shall be at least 20 feet wide, though a wider greenway may be required in accordance with adopted policy or as needed in cases where a public utility or drainage easement is located within the greenway alignment.

2. EASEMENT REQUIRED

The greenway shall be wholly located within an access easement granted by the landowner in favor of the Town. The easement shall be clearly identified on all Site Plans, Construction Drawings, and Subdivision Plats, and shall be recorded in the office of the Johnston County Register of Deeds prior to the issuance of any Certificates of Occupancy.

3. GREENWAY ACCESS

A greenway may only be accessed by a public street, publicly-owned land, or by another greenway segment.

4. GREENWAY SURFACE

- The trail or pathway portion of a greenway shall maintain a minimum width of at least ten feet unless a wider configuration is specified in the adopted policy guidance.



6.10.2 SIDEWALKS AND MULTI-USE PATHS

A. SIDEWALKS AND MULTI-USE PATHS DISTINGUISHED

1. SIDEWALKS

- a. Sidewalks are improved pedestrian walkways located within and parallel to a public street right-of-way.
- b. Sidewalks are paved with concrete and maintain a minimum width of five to eight feet, depending upon location, width of adjacent pre-existing sidewalks, anticipated use level, or terrain.

2. MULTI-USE PATHS

- a. Multi-use paths are improved pedestrian ways located within a public street right-of-way, or located on public land dedicated to the Town located outside a public street right-of-way.
- b. Multi-use paths are paved with concrete or asphalt.
- c. Multi-use paths are at least ten feet wide, though they may be wider based on site conditions, anticipated use level, or terrain.

B. APPLICABILITY

1. The standards in this section shall be applied to applications for a Major Subdivision, Minor Subdivision, Site Plan, or Rezoning in accordance with Table 6.10.2: Sidewalk or Multi-use Path Construction Required.
2. These standards are not applied to the development of a single lot with a single-family detached, single-family attached, or duplex dwelling.

C. SIDEWALK AND MULTI-USE PATH DEDICATION AND CONSTRUCTION REQUIRED³⁰

1. Whenever a tract of land included within any proposed Major Subdivision, Minor Subdivision, Site Plan, or Rezoning includes or abuts an existing or planned pedestrian facility identified by this section or the Town's adopted policy guidance, the land area indicated for use as a sidewalk or multi-use path shall be dedicated to the Town.
2. All new sidewalks and multi-use paths shall be constructed by the developer as part of the proposed development or redevelopment in accordance with this section.
3. The determination of whether a required pedestrian facility will take the form of a sidewalk or a multi-use path, or both depending upon the size of the proposed development, shall be based upon the Town's adopted policy guidance, the Town's Comprehensive Transportation Plan, the current Capital Improvement Plan, any applicable conditions of approval, or existing conditions on lands abutting a proposed development or redevelopment. In cases where one or more of these provisions conflict, the Engineering Director shall determine the pedestrian facility configuration. The Engineering Director's decision may be appealed in accordance with [Section 2.3.2, Appeal](#).
4. In cases where an existing pedestrian facility is already present on land subject to development or redevelopment, but is substandard in terms of its minimum width, required materials, location, or other Town requirement, the developer shall take whatever actions are necessary to improve the existing pedestrian facility to the minimum level required by this Ordinance and adopted policy guidance.

³⁰ STN30 Soften the requirements for sidewalk construction for additions and expansions of existing buildings to support redevelopment



Chapter 6 Standards

Section 6.10 Pedestrian Facilities

Sub-section 6.10.2 Sidewalks and Multi-Use Paths

5. Table 6.10.2: Sidewalk or Multi-use Path Construction Required, listed below, identifies the kinds of development subject to or exempted from these standards.

TABLE 6.10.2: SIDEWALK OR MULTI-USE PATH CONSTRUCTION REQUIRED		
TYPE OF ACTIVITY OR DEVELOPMENT [1]		SIDEWALK OR MULTI-USE PATH REQUIREMENT
Construction of New Street or Street Segment		Sidewalk/Multi-use Path Dedication and Construction Required
Subdivision of Land [2]		
Development on a Vacant Lot or Site		
Replacement of an Existing Principal Structure		
Addition or Expansion of Existing Principal Building with no new Principal Building Construction	Total Project Cost Exceeds 75 50% of Preconstruction Assessed Value	Sidewalk/Multi-use Path Dedication and Construction Required
	Total Project Costs are 75 50% or less than Preconstruction Assessed Value	Exempted from Sidewalk/Multi-use Path Construction [3]
Change of Use with No Addition or Expansion to any Principal Building and with no New Principal Building Construction		Exempted from Sidewalk/Multi-use Path Requirements <u>[3]</u>
Addition or Expansion of a Secondary Building with no Changes to any Principal Buildings		
Establishment of or Change to Open Air Use of Land		
NOTES:		
[1] Development exempted in accordance with Section 6.10.2B, Applicability, are exempted from these standards.		
[2] Exempt and Limited Subdivisions are exempt from these requirements.		
[3] The Town may, in its sole discretion, require dedication of land necessary for a sidewalk or multi-use path.		

6. In cases where a sidewalk or multi-use path extends between two or more phases of a development, only the portion of the sidewalk or multi-use path in the active phase of the development is required to be dedicated and constructed.

D. SIDEWALK AND MULTI-USE PATH LOCATION

Sidewalk and multi-use path locations are established in accordance with the Town's adopted policy guidance and the following standards:

1. BOTH SIDES OF THE STREET

- Except where otherwise allowed by this section, sidewalks, or multi-use paths (or a combination of the two) shall be provided along both sides of all public streets, including cul-de-sac heads, within the Town's corporate limits.
- Outside the corporate limits, sidewalks or multi-use paths are required on both sides of all public streets within and abutting developments where lots are smaller than one acre in size.



6.12 RIPARIAN BUFFERS

6.12.1 AUTHORITY

This section is adopted pursuant to the authority vested in the Town of Clayton and the General Statutes of North Carolina, particularly:

~~A. NCGS §§ 153A-121 and 153A-140;~~

~~B. NCGS §§ 160A-174 and 160A-193;~~

~~C. Chapter 160D of the North Carolina General Statutes; and~~

~~D. Any special legislation enacted by the General Assembly for the Town of Clayton;~~

6.12.26.12.1 PURPOSE AND INTENT

This section is adopted to protect and preserve existing riparian buffers throughout the Neuse River Basin as generally described in Rule 15A NCAC 02B .0714 (Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers) of the North Carolina Administrative Code, in order to maintain their nutrient removal and stream protection functions.

~~FURTHER, THIS SECTION IS INTENDED TO:~~

~~A. HELP PROTECT THE WATER SUPPLY USES OF FALLS OF THE NEUSE RESERVOIR WATERSHED AND DESIGNATED WATER SUPPLIES THROUGHOUT THE NEUSE RIVER BASIN;~~

~~B. ENHANCE AND PROTECT THE NATURAL ECOLOGY OF STREAM SYSTEMS;~~

~~C. PROTECT WATER QUALITY THROUGH BANK STABILIZATION, SHADING, AND NUTRIENT REMOVAL;~~

~~D. MINIMIZE FLOOD DAMAGE IN FLOOD PRONE AREAS;~~

~~E. HELP TO REMOVE NITROGEN FROM SURFACE WATERS, AND~~

~~F. PREVENT SEDIMENT AND SEDIMENT-BOUND POLLUTANTS SUCH AS PHOSPHOROUS FROM REACHING THE STREAMS.~~

6.12.36.12.2 APPLICABILITY RESPONSIBILITY FOR ENFORCEMENT

Any activities impacting Zone 1 and/or 2 of riparian buffers in the Neuse River Basin, including activities conducted under the authority of the State, the United States, multiple jurisdictions, or locate units of government, silviculture, and/or agricultural activities shall be administered by the NC Department of Environmental Quality (NCDEQ) in accordance with 15A NCAC 02B.0622. Except where exempted by Section 6.12.4, Exemptions, the standards in this section shall apply to all landowners and governmental entities conducting activities within riparian buffer areas as designated below:

6.12.3 APPLICABLE STANDARDS

All development located within the Neuse River Basin shall comply with the applicable riparian buffer and use-related standards identified in 15A NCAC 02b .0714. Applicants for development may request an on-site determination from NCDEQ in accordance with Section 15A NCAC 02b .0714(4) for the purposes of seeking exemption from the applicable requirements.



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 1.1.1 Generally

A:—GENERALLY

- 1.—These standards shall apply to activities conducted within 50-foot-wide riparian buffers directly adjacent to surface waters in the Neuse River Basin (intermittent streams, perennial streams, lakes, ponds, reservoirs, and estuaries), excluding wetlands.
- 2.—Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 02H .0506.
- 3.—Riparian buffers shall be determined in accordance with [Section 6.12.5, Zones of The Riparian Buffer](#).
- 4.—No new clearing, grading, or development shall take place, nor shall any new building permits be issued in violation of these standards.
- 5.—Stormwater runoff from activities conducted outside the riparian buffer but that result in stormwater entering the riparian buffer shall comply with [Section 6.12.6, Stormwater Runoff Through the Riparian Buffer](#).
- 6.—A riparian buffer may be exempt from these standards in accordance with [Section 6.12.4, Exemptions](#).

B:—RIPARIAN BUFFERS DESIGNATED BY MAP

A surface water, and the buffer area along it, shall be subject to these standards if the surface water is approximately shown on any of the following references:

- 1.—The most recent version of the published manuscript of the soil survey map that shows stream layers prepared by the Natural Resources Conservation Service of the United States Department of Agriculture;
- 2.—The United States Geologic Survey's (USGS) National Map; or
- 3.—Other maps approved by the Environmental Management Commission as more accurate than those identified above. Other maps shall use a hydrography dataset developed using hydrography specifications and standard metadata approved by the Geographic Information Coordinating Council (GICC) and maintained on a GICC list of the best available hydrography. Edits, deletions, and additions to the hydrography dataset shall follow GICC approved standards and specifications, per stewardship governance. Other maps shall have their hydrography dataset and procedures for edits, deletions and additions reviewed and approved by the GICC. Other maps shall be submitted to the Division for review and recommendation to the Environmental Management Commission. Prior to recommendation to the Environmental Management Commission, the Division shall issue a 30-calendar day public notice through the Division's Mailing List in accordance with 15A NCAC 02H .0503. Division staff shall present recommendations including comments received during the public notice period to the Environmental Management Commission for a final decision. Maps approved in this way shall not apply to projects subject to [Section 6.12.4B, Exemption when Exiting Uses are Present and Ongoing](#).

6.12.4 EXEMPTIONS

A:—EXEMPTIONS BASED ON ON-SITE DETERMINATION

Surface waters that appear on the maps identified in [Section 6.12.3B, Riparian Buffers Designated By Map](#), shall not be subject to these standards if an on-site determination shows that they fall into one of the following categories:

- 1.—Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access;



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 6.12.4 Zones of The Riparian Buffer

- ~~2.—Manmade ponds and lakes that are not fed by an intermittent or perennial stream or do not have a direct discharge point to an intermittent or perennial stream;~~
- ~~3.—Ephemeral streams; and~~
- ~~4.—The absence on the ground of a corresponding perennial waterbody, intermittent waterbody, lake, pond, or estuary.~~

~~B.—EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING~~

- ~~1.—The standards in this section shall not apply to portions of the riparian buffer where a use is existing and ongoing. A use shall be considered existing if:
 - ~~a.—It was present within the riparian buffer as of July 22, 1997, and has continued to exist since that time; or~~
 - ~~b.—It was a deemed allowable activity as listed in Table 6.12.9, Table of Uses; or~~
 - ~~c.—It was conducted and maintained pursuant to a Variance or other allowable deviation.~~~~
- ~~2.—Existing and ongoing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns (i.e., can be mowed without a chainsaw or bush-hog), existing utility line maintenance corridors and on-site sanitary sewage systems, any of which involve either specific periodic management of vegetation or displacement of vegetation by structures or regular activity.~~
- ~~3.—Only the portion of the riparian buffer that contains the footprint of the existing and ongoing use is exempt from these standards.~~
- ~~4.—Change of ownership through purchase or inheritance is not a change of use.~~
- ~~5.—Activities necessary to maintain existing and ongoing uses are allowed provided that the site remains similarly vegetated, no built upon area is added within the riparian buffer where it did not exist prior to July 22, 1997, and the site complies with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer.~~
- ~~6.—These standards shall apply at the time an existing and ongoing use is changed to another use. Change of use shall involve the initiation of any activity not defined as existing and ongoing in this sub-section.~~

~~C.—EXEMPTION FOR PONDS CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES~~

~~These standards shall not apply to a freshwater pond if all of the following conditions are met:~~

- ~~1.—The property on which the pond is located is used for agriculture as that term is defined in NCGS§106-581.1.~~
- ~~2.—The use of the property complies with all other water quality and water quantity statutes and rules applicable to the property before July 22, 1997.~~
- ~~3.—The pond is not a component of an animal waste management system as defined in NCGS§143-215.10B (3).~~

6.12.56.12.4 ZONES OF THE RIPARIAN BUFFER

The protected riparian buffer shall have two zones as follows (see Figure 6.12.5: Riparian Buffer Zones):

A. ZONE 1

Zone 1 shall consist of a vegetated area that is undisturbed except for uses as provided for in 15A NCAC 02b .0714. The location of Zone 1 shall be as follows:

1. For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 6.12.4 Zones of The Riparian Buffer

feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or ends, including when it goes underground, enters or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end).

2. For ponds, lakes and reservoirs subject to this Rule, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

B. ZONE 2

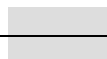
A.—Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in 15A NCAC 02b .0714. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water. Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, and Section 6.12.9, Table of Uses. The location of Zone 1 shall be as follows:

1.—For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or ends, including when it goes underground, enters, or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end):

2.—For ponds, lakes, and reservoirs subject to these standards, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

B.—Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, and Section 6.12.9, Table of Uses. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

FIGURE 6.12.5: RIPARIAN BUFFER ZONES



600

Town of Clayton

Last Update

Unified Development Ordinance

11-20-23 4.15.24

Chapter 6 Standards

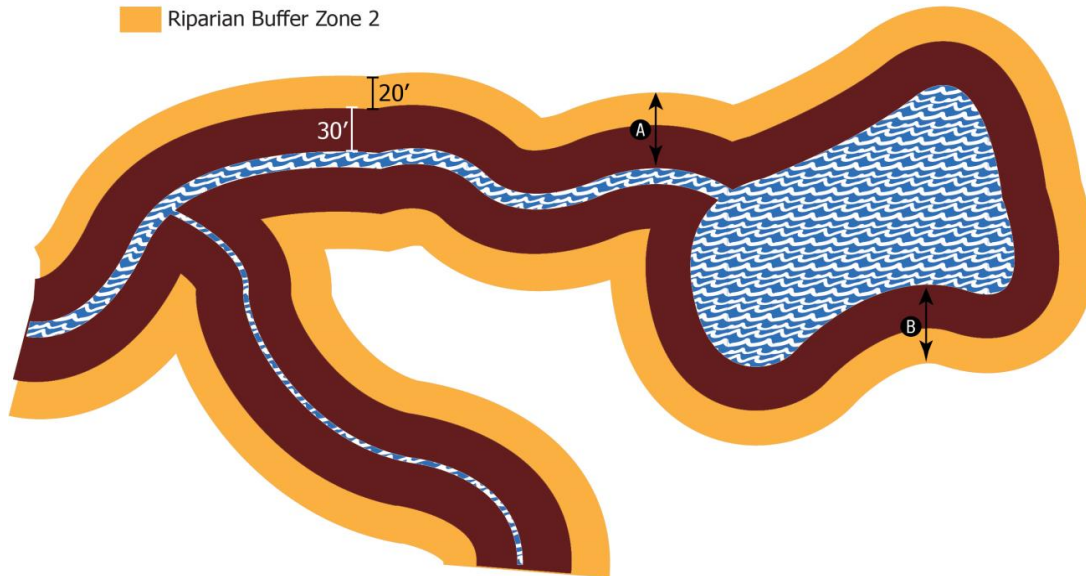
Section 6.12 Riparian Buffers

Sub-section 6.12.5 Stormwater Runoff Through the Riparian Buffer

LEGEND

-  Intermittent or Perennial Stream
-  Pond, Lake, or Reservoir
-  Riparian Buffer Zone 1
-  Riparian Buffer Zone 2

- A** Measured Horizontally from Top of Bank
- B** Measured Horizontally from Normal Water Level



6.12.66.12.5 STORMWATER RUNOFF THROUGH THE RIPARIAN BUFFER

Stormwater runoff into the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 except as otherwise described in [15A NCAC 02b .0714](#).

this sub-section. Drainage conveyances include drainage ditches, roadside ditches, and stormwater conveyances. The following stormwater conveyances through the riparian buffer are either deemed allowable or allowable upon authorization, as defined in Section 6.12.9, Table of Uses, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody. Stormwater conveyances through the riparian buffer that are not listed below shall be allowable with exception as defined in Section 6.12.8E, Allowable With Exception:

A: Allowable - Runoff

The following are deemed allowable as defined in Section 6.12.8A, Deemed Allowable:

1. New drainage conveyances from a primary SCM, as defined in 15A NCAC 02H .1002, when the primary SCM is designed to treat the drainage area to the conveyance and that comply with a stormwater management plan reviewed and approved under a State stormwater program or a State-approved local government stormwater program; and
2. New stormwater flow to existing drainage conveyances provided that the addition of new flow does not result in the need to alter the conveyance.

B: ALLOWABLE UPON AUTHORIZATION - RUNOFF

The following are allowable upon authorization as defined in Section 6.12.8B, Allowable Upon Authorization:



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 1.1.1 Platting within a Riparian Buffer

- 1.—New drainage conveyances from a primary SCM as defined in 15A NCAC 02H .1002 when the primary SCM is provided to treat the drainage area to the conveyance but are not required to be approved under a State stormwater program or a State-approved local government stormwater program;
- 2.—New drainage conveyances when the drainage area to the conveyance is demonstrated via approved nutrient calculation methodologies to meet the nutrient loading goal of 3.6 pounds per acre per year of Nitrogen (N) outside of the Falls of the Neuse Reservoir Watershed;
- 3.—New drainage conveyances when the flow rate of the conveyance is less than 0.5 cubic feet per second during the peak flow from the 0.75-inch-per-hour storm;
- 4.—New stormwater runoff that has been treated through a level spreader-filter strip that complies with 15A NCAC 02H .1059;
- 5.—Realignment of existing drainage conveyances applicable to publicly funded and maintained linear transportation facilities when retaining or improving the design dimensions provided that no additional travel lanes are added, and the minimum required roadway typical section is used based on traffic and safety considerations;
- 6.—Realignment of existing drainage conveyances retaining or improving the design dimensions provided that the size of the drainage area and the percent built-upon area within the drainage area remain the same;
- 7.—New or altered drainage conveyances applicable to publicly funded and maintained linear transportation facilities provided that SCMs or BMPs from the NCDOT Stormwater Best Management Practices Toolbox, are employed;
- 8.—New drainage conveyances applicable to publicly funded and maintained linear transportation facilities that do not provide a stormwater management facility due to topography constraints provided other measures are employed to protect downstream water quality to the maximum extent practical; and
- 9.—New drainage conveyances where the drainage area to the conveyance has no new built-upon area as defined in 15A NCAC 02H .1002 and the conveyance is necessary for bypass of existing drainage only.

6.12.7 PLATTING WITHIN A RIPARIAN BUFFER

In no instance shall riparian buffers be included as part of a buildable lot established as part of a Major, Minor, or Limited Subdivision.

6.12.86.12.6 USES

Uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, shall be designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, allowable with exception or prohibited by NCDEQ in accordance with 15A NCAC 02b .0714. Potential new uses shall have the following requirements:

A.—DEEMED ALLOWABLE

Uses designated as deemed allowable in Section 6.12.6A, Allowable - Runoff, or Section 6.12.9, Table of Uses, may occur within the riparian buffer. Deemed allowable uses shall be designed, constructed, and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities. In addition, deemed allowable uses shall meet the requirements listed in Section 6.12.9, Table of Uses, for the specific use.



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

B. ALLOWABLE UPON AUTHORIZATION

Uses designated as allowable upon authorization in Section 6.12.6B, Allowable Upon Authorization - Runoff, or Section 6.12.9, Table of Uses, require a written authorization from the Town for impacts within the riparian buffer pursuant to these standards:

C. ALLOWABLE WITH MITIGATION UPON AUTHORIZATION

Uses designated as allowable with mitigation upon authorization in Section 6.12.9, Table of Uses, require a written authorization from the Town for impacts within the riparian buffer pursuant to these standards and an appropriate mitigation strategy that has received written approval pursuant to Section 6.12.10, Mitigation.

D. PROHIBITED

Uses designated as prohibited in Section 6.12.9, Table of Uses, may not proceed within the riparian buffer unless a variance has been granted in accordance with Section 2.3.29, Variance. Mitigation may be required as a condition of approval of the variance.

E. ALLOWABLE WITH EXCEPTION

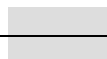
Uses not designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization or prohibited in Section 6.12.9, Table of Uses, require a written authorization certificate with exception from the Town for impacts within the riparian buffer pursuant to this Ordinance and an appropriate mitigation strategy that has received written approval pursuant to Section 6.12.10, Mitigation.

6.12.9 TABLE OF USES

The following table sets out potential new uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, and designates them as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, or prohibited:

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
1. Airport facilities				
(i) Vegetation removal activities necessary to comply with Federal Aviation Administration requirements (e.g. line of sight requirements) provided the disturbed areas are stabilized and revegetated	*			
(ii) Airport facilities that impact equal to or less than one-third of an acre of riparian buffer		*		
(iii) Airport facilities that impact greater than one-third of an acre of riparian buffer			*	
2. Archaeological activities	*			
3. Bridges				
(i) Impact equal to or less than one-tenth of an acre of riparian buffer	*			
(ii) Impact greater than one-tenth of an acre of riparian buffer		*		
4. Dam maintenance activities				



603

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(i) Dam maintenance activities that do not cause additional riparian buffer disturbance beyond the footprint of the existing dam	✖			
(ii) Dam maintenance activities that do cause additional riparian buffer disturbance beyond the footprint of the existing dam		✖		
5. Drainage of a pond subject to Section 6.12.3B, Riparian Buffers Designated By Map, provided that a new riparian buffer is established by natural regeneration or planting, within 50 feet of any stream which naturally forms or is constructed within the drained pond area. Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted pursuant to Section 6.12.4A, Exemptions Based on on-Site Determination	✖			
6. Fences				
(i) Fencing livestock out of surface waters	✖			
(ii) Installation does not result in removal of trees from Zone 1	✖			
(iii) Installation results in removal of trees from Zone 1		✖		
7. Fertilizer Application				
(i) One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation. No runoff from this one-time application in the riparian buffer is allowed in the surface water	✖			
(ii) Ongoing fertilizer application				✖
8. Forest harvesting	See Section 15A NCAC 02B .0612			
9. Grading only in Zone 2 provided that the health of existing vegetation in Zone 1 is not compromised, Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, is complied with, and disturbed areas are stabilized and revegetated	✖			
10. Greenways, trails, sidewalks, or linear pedestrian/ bicycle transportation systems				
(i) In Zone 2 provided that no built upon area is added within the riparian buffer	✖			
(ii) In Zone 1 provided that no built upon area is added within the riparian buffer and the installation does not result in the removal of tree(s)	✖			



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) When built upon area is added to the riparian buffer, equal to or less than 10 feet wide with two-foot-wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative		✖		
(iv) When built upon area is added to the riparian buffer, greater than 10 feet wide with two-foot-wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative			✖	
11. Historic preservation	✖			
12. New landfills as defined in NCGS§ 130A-290				✖
13. Maintenance access on modified natural streams or canals: a grassed travelway on one side of the waterbody when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travelway shall be located to maximize stream shading		✖		
14. Mining activities				
(i) Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, are established adjacent to any relocated channels		✖		
(ii) Mining activities that are not covered by the Mining Act or where new riparian buffers that meet the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, are not established			✖	
(iii) Wastewater or mining dewatering wells with approved NPDES permit	✖			
15. On-site sanitary sewage systems - new ones that use ground absorption				✖
16. Pedestrian access trail and associated steps leading to a surface water, dock, canoe or kayak access, fishing pier, boat ramp or other water dependent structure				
(i) Equal to or less than six feet wide that does not result in the removal of tree(s) within the riparian buffer and does not result in the addition of built upon area to the riparian buffer	✖			
(ii) Equal to or less than six feet wide that results in the removal of tree(s) or the addition of built upon area to the riparian buffer		✖		
(iii) Greater than six feet wide			✖	
17. Playground equipment				



605

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(i) Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation	✖			
(ii) Playground equipment on single-family lots where installation or use results in the removal of vegetation		✖		
(iii) Playground equipment installed on lands other than single-family lots		✖		
18. Ponds created or modified by impounding streams subject to riparian buffers pursuant to Section 6.12.3B, Riparian Buffers Designated By Map and not used as stormwater control measures (SCMs)				
(i) New ponds provided that a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is established adjacent to the pond		✖		
(ii) New ponds where a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is not established adjacent to the pond			✖	
19. Protection of existing structures and facilities when this requires additional disturbance to the riparian buffer		✖		
20. Public Safety - publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the riparian buffers pose a risk to public safety. The head of the local law enforcement agency shall notify the local government with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing	✖			
21. Removal of previous fill or debris provided that Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, is complied with and any vegetation removed is restored	✖			



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
22. Residential Properties: Where application of this Rule would preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in the buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence complies with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer				
(i) The residence or necessary infrastructure only impact Zone 2		✖		
(ii) The residence or necessary infrastructure impact Zone 4			✖	
(iii) Impacts other than the residence or necessary infrastructure			✖	
23. Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332				
(i) Wetland or stream restoration is part of a compensatory mitigation bank, nutrient offset bank, or the in-lieu fee program	✖			
(ii) Wetland or stream restoration other than those listed above		✖		
24. Road, driveway, or railroad - impacts other than perpendicular crossings of streams and other surface waters subject to these standards			✖	
25. Road, driveway, or railroad - perpendicular crossings of streams and other surface waters subject to these standards				
(i) Impact equal to or less than one-tenth of an acre of riparian buffer	✖			
(ii) Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer		✖		
(iii) Impact greater than one-third of an acre of riparian buffer			✖	
(iv) Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer		✖		
(v) Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer			✖	
(vi) Farm roads and forest roads that are exempt from permitting from the U.S. Army Corps of Engineers per Section 404(f) of the Federal Clean Water Act	✖			
26. Road relocation of existing private access roads associated with public road projects where necessary for public safety				
(i) Less than or equal to 2,500 square feet of riparian buffer impact		✖		



607

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) Greater than 2,500 square feet of riparian buffer impact			✖	
27. Scientific studies and stream gauging	✖			
28. Slatted uncovered decks , including steps and support posts, which are associated with a dwelling, provided that it meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer				
Installation does not result in removal of vegetation in Zone 1		✖		
(iii) Installation results in removal of vegetation in Zone 1			✖	
29. Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002				
(i) In Zone 2 if Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is complied with		✖		
(ii) Installation results in removal of vegetation in Zone 1			✖	
30. Streambank or shoreline stabilization		✖		
31. Temporary roads , provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 026 .0295(i)				
(i) Less than or equal to 2,500 square feet of riparian buffer disturbance	✖			
(ii) Greater than 2,500 square feet of riparian buffer disturbance		✖		
(iii) Associated with culvert installation or bridge construction or replacement		✖		
32. Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 026 .0295(i)				
(i) In Zone 2 provided that ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and that discharge is released in accordance with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer	✖			
(ii) In Zones 1 and 2 to control impacts associated with uses identified in this Table or uses that have received an Authorization Certificate with Exception provided that sediment and erosion control for upland areas is addressed outside the riparian buffer		✖		



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Clean Water Act	✖			
33. Utility Lines - Streambank stabilization for the protection of publicly owned utility lines (not including new line installation)				
(i) Less than 150 feet of streambank disturbance	✖			
(ii) Greater than 150 feet of streambank disturbance		✖		
34. Utility - Sewer lines - Sanitary Sewer Overflows				
(i) Emergency sanitary sewer overflow response activities, provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor is the minimum necessary to respond to the emergency overflow; is restored to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g. grass with grass; hardwoods with hardwoods) within two months of when disturbance is complete	✖			
(ii) Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts that are not a "Deemed Allowable Activity", an application for an Authorization Certificate shall be submitted to the Authority no later than 30 calendar days of conclusion of the emergency response activities		✖		
35. Utility - Sewer Lines - Vegetation maintenance activities that remove forest vegetation from existing sewer utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	✖			
(iii) Zone 1 impacts other than those listed above		✖		
36. Utility - Sewer Lines - Replacement / Rehabilitation of existing sewer lines within, or adjacent to, an existing right of way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g., grass with grass, hardwoods with hardwoods) is allowed to regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained				
(i) Permanent maintenance corridor equal to or less than 30 feet wide provided there is no grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream	✖			



609

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) Grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream and permanent maintenance corridor equal to or less than 30 feet wide		✖		
(iii) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts			✖	
37. Utility - Sewer Lines - New Line Construction / Installation Activities - Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide	✖			
(ii) Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		✖		
(iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			✖	
(iv) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts			✖	
38. Utility - Sewer Lines - New Line Construction / Activities - Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		✖		
(iii) Zone 1 impacts other than those listed above			✖	



610

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
39. Utility - Non-Sewer Underground Lines – Vegetation maintenance activities that remove forest vegetation from existing utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	✖			
(iii) Zone 1 impacts other than those listed above		✖		
40. Utility - Non-Sewer Underground Lines – Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Construction corridor of less than or equal to 50 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide	✖			
(ii) Construction corridor of greater than 50 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		✖		
(iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			✖	
(iv) Permanent maintenance corridor that is greater than 30 linear feet wide (mitigation is required only for Zone 1 impacts)			✖	
41. Utility - Non-Sewer Underground Lines – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		✖		
(iii) Zone 1 impacts other than those listed above			✖	
42. Utilities - Non-sewer aerial lines – Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards				



Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(i) Disturb equal to or less than 150 linear feet wide of riparian buffer provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed; that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody	✖			
(ii) Disturb greater than 150 linear feet wide of riparian buffer		✖		
43. Utilities – Non-sewer aerial lines – Impacts other than perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards				
(i) Impacts in Zone 2 only	✖			
(ii) Impacts in Zone 1 provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed; that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody		✖		
44. Vegetation management				
(i) Emergency fire control measures provided that topography is restored	✖			
(ii) Periodic mowing and harvesting of plant products only in Zone 2	✖			
(iii) Placement of mulch ring around restoration plantings for a period of five years from the date of planting	✖			
(iv) Planting non-invasive vegetation to enhance the riparian buffer	✖			
(v) Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	✖			
(vi) Removal of individual trees, branches or limbs which are in danger of causing damage to dwellings, existing utility lines, other structures or human life, or are imminently endangering stability of the streambank provided that the stumps are left or ground in place without causing additional land disturbance	✖			
(vii) Removal of individual trees that are dead, diseased, or damaged	✖			



612

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(viii) Removal of poison ivy, oak, or sumac: Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replanted with non-invasive species	✖			
(ix) Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 2008. Invasive Plants of North Carolina. Dept. of Transportation. Raleigh, NC. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant then the riparian buffer shall be replanted with non-invasive species	✖			
(x) Removal of woody vegetation in Zone 1 provided that Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is complied with			✖	
45. Vehicle access roads and boat ramps (excluding parking areas) leading to surface water, docks, fishing piers, and other water dependent activities				
(i) Single vehicular access road and boat ramp to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 15 feet wide		✖		
(ii) Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 15 feet wide			✖	
46. Water dependent structures (except for boat ramps) as defined in 15A NCAC 02B .0202		✖		
47. Water supply reservoirs:				
(i) New reservoirs provided that a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is established adjacent to the reservoir		✖		
(ii) New reservoirs where a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is not established adjacent to the reservoir			✖	
48. Water wells	✖			
49. Wildlife passage structures		✖		



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 1.1.1 Mitigation

6.12.10-MITIGATION

Persons who wish to undertake uses designated as allowable with mitigation upon authorization as defined in Section 6.12.8C, Allowable With Mitigation Upon Authorization, or allowable with exception as defined in Section 6.12.8E, Allowable With Exception, shall meet the following requirements in order to proceed with their proposed use:

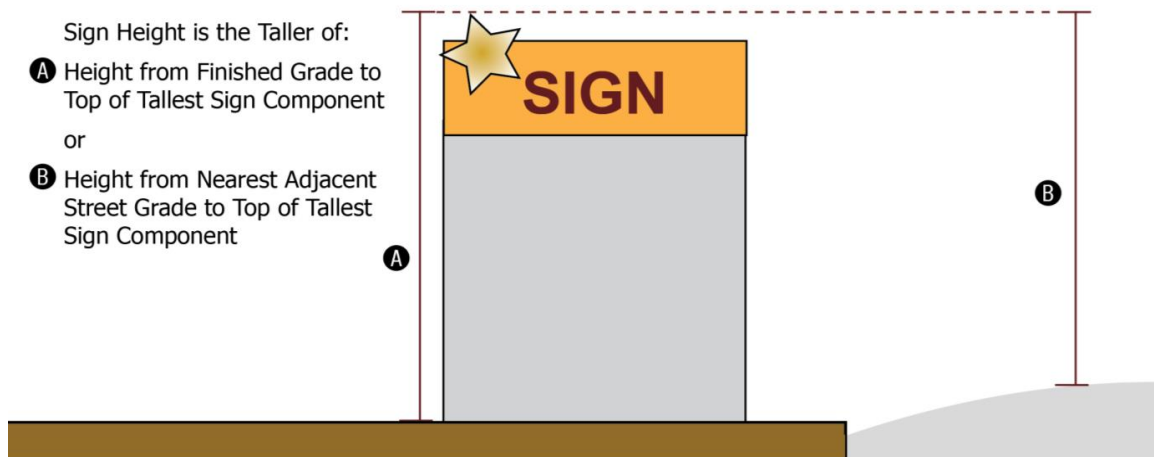
- ~~A. Obtain an authorization certificate pursuant to 15A NCAC 02B.0611; and~~
- ~~B. Obtain written approval for a mitigation proposal pursuant to 15A NCAC 02B.0295.~~



B. SIGN HEIGHT DETERMINATION

1. Sign height shall be computed as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign.
2. The finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

FIGURE 6.13.8.B, SIGN HEIGHT DETERMINATION

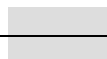


C. WALL AREA (FOR THE PURPOSES OF SIGN AREA MEASUREMENT)³¹

For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which shall be determined as follows:

1. The area of all parallel vertical surfaces along a single building elevation regardless of offsets shall be counted as one wall. This includes wall surfaces that are parallel or approximately parallel that may be located in front of or behind the primary façade plane.
2. The front of each unit of a multiple tenant **commercial** building shall be counted as a separate wall.
3. In cases where a single tenant occupies two or more individual tenant spaces in a multiple tenant building, the tenant shall only be permitted one wall sign. Calculation of the wall area for the purposes of sign area measurement shall include all the units occupied by the tenant.
- 2.4. In cases where the total number of tenant spaces being rented is in question, determination of the total number of tenant spaces shall be made in accordance with Section 2.3.9, Determination.
- 3.5. The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is most parallel with.

³¹ STN 13 Revised for clarity about when 1 tenant occupies 2 or more individual tenant spaces.



Chapter 6 Standards

Section 6.13 Signage

Sub-section 6.13.9 Sign Standards by Sign Type

I. SUBDIVISION SIGNS

1. DEFINITION	A ground sign located at the entrance to a subdivision consisting of two or more lots. Subdivision signs shall be located outside all street rights-of-way, unless permitted by the Engineering Director, and shall not be located on a lot with a principal building.					
2. DISTRICTS WHERE PERMITTED	CON, PUB	RESIDENTIAL, CZR	OFI, NCM	DTNC, DTNN, CZD, MXD, CZM	CRM, CZC	LID, HID, CZI
	No	Yes	Yes	Yes	Yes	Yes
3. DIMENSIONAL STANDARDS	MAXIMUM NUMBER OF SUBDIVISION SIGNS PER DEVELOPMENT			1 per development entrance		
	MAXIMUM HEIGHT			6 feet [1]		
	MAXIMUM SIGN FACE AREA			32 square feet [2] [3]		
	MINIMUM SETBACK FROM ANY LOT LINE			None		
	MINIMUM SETBACK FROM RIGHT-OF-WAY			5 feet		
	NOTES:	[1] Sign height shall be determined based on the higher of: the adjacent grade level or the grade level of the adjacent street. [2] The support structure for a subdivision sign configured as a ground sign shall not be included with the calculation of the maximum allowable sign face area. [3] Developments with 2 or more entries may have up to 64 square feet of subdivision sign provided that no single entry has a subdivision sign with a sign face area exceeding 32 square feet.				
4. ADDITIONAL REQUIREMENTS	a. Subdivision signs may only be configured as a ground sign.					
	b. Subdivision signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.					
	c. Subdivision signs that are illuminated shall comply with the applicable limitations on glare in Section 6.4, Exterior Lighting.					
5. SAMPLE CALCULATION	LEGEND A 6' Maximum Height B Maximum Sign Face Area = 32 sf (Support Structure Not Counted as Sign Area) C No Min. Setback from Lot Line D Minimum Setback from Right-of-Way = 5' E Sign Support Structure					



638

Town of Clayton | Last Update
Unified Development Ordinance | 11-20-23 4.15.24

Chapter 6 Standards

Section 6.13 Signage

Sub-section 6.13.9 Sign Standards by Sign Type

L. WALL SIGNS³²

1. DEFINITION	Any sign, other than a projecting sign, that is mounted to or painted on an exterior building wall. Wall signs have only one sign face and are configured to be parallel to the building wall upon which they are located. Signs mounted perpendicular to a wall are "projecting" signs. Signs mounted from the ceiling of a building's canopy or overhang are "suspended" signs. Signs made of fabric or other material that moves are "banners" or "flags." Signs visible through a window are "window" signs.							
2. DISTRICTS WHERE PERMITTED	CON, PUB	RESIDENTIAL, CZR		OFI, NCM	DTNC, CZD, MXD, CZM	CRM, CZC	LID, HID, CZI	
	Yes	Yes		Yes	Yes	Yes	Yes	
3. DIMENSIONAL STANDARDS	DISTRICT	TYPE OF TENANCY	TYPE OF FAÇADE [1]	MAX. # OF SIGNS	TOTAL SIGN AREA/FAÇADE [2]			
	CON, PUB, RESIDENTIAL, CZR	All	Primary [3]	1	16 square feet			
	OFI, NCM	Single-tenant	Primary [3]	1	32 square feet			
		Multi-tenant	Primary [3]	1/tenant				
	ALL OTHERS	Single-tenant [4]	Primary	2	Lesser of: 1.5 sf <u>per</u> linear foot of building façade or 200 sf			
		Single-tenant [4]	Secondary	1	Lesser of: 1 sf <u>per</u> linear foot of building façade or 100 sf			
		Multi-tenant	Primary	1/tenant	Lesser of: 1.5 sf <u>per</u> linear foot of building façade or 200 sf			
		Multi-tenant	Secondary	1/tenant [5]	Lesser of: 1 sf <u>per</u> linear foot of building façade or 100 sf			
		Large format retail	Primary	4	Lesser of: 1.5 sf <u>per</u> linear foot of building façade or 200 sf			
		Large format retail	Secondary	2	Lesser of: 1 sf <u>per</u> linear foot of building façade or 100 sf			
	MAXIMUM MOUNTING HEIGHT		No wall sign shall extend above, below, or beyond the building wall to which it is attached [6]					
	MAXIMUM DISTANCE FROM A BUILDING CORNER OR MULTI-TENANT BOUNDARY		Wall signs shall be no less than 18 inches from the outside corner of a building wall or from the boundary of a tenant's wall frontage on a multi-tenant building					
	MINIMUM SETBACK FROM ANY LOT LINE		Same as the building [7]					

³² STN 14 clarify that it is 1.5 sf of wall sign area per linear façade foot, not divided by.



6.14.6 EROSION AND SEDIMENTATION CONTROL PLANS

A. PLAN SUBMISSIONS³³

1. A plan shall be prepared for all land-disturbing activities subject to this section whenever the proposed activity will disturb more than one acre on a tract.
2. Plans should be submitted per current Town standard procedures and policies.
3. Application fees for review of an erosion and sedimental control plan shall be in accordance with the Town's adopted fee schedule.

B. FINANCIAL RESPONSIBILITY AND OWNERSHIP

1. Plans shall be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the person financially responsible; (2) the owner of the land; and (3) any registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act, this section, or rules or orders adopted or issued pursuant to this section. Except as provided in Section 6.14.6C, Utilities, and Section 6.14.6K, Plan Appeals, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.
2. Plans shall be disapproved unless accompanied by documentation of property ownership.

C. UTILITIES

If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

D. PERFORMANCE GUARANTEE

1. A performance guarantee, configured in accordance with Section 2.3.19, Performance Guarantee, is required to ensure that stabilization of the site is achieved throughout the disturbed area in the event the contractor is unable to complete the project and shall be paid to the Town prior to the issuance of the Land Disturbance Permit.
2. The guarantee amount shall be equal to \$1,500/acre of land disturbance rounded to the nearest half acre.
3. The guarantee will be released once a certificate of completion is issued by the Town. A certificate of completion will be provided when the site is stabilized with a sufficient amount of ground cover to prevent erosion, or permanent mow-able planting with 100 percent coverage and 80 percent growth with no large bare patches.
4. The Town may cash the guarantee if the site is issued a continuing violation notice for ground stabilization.

³³ STNote 1 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



Chapter 6 Standards

Section 6.14 Soil Erosion & Sedimentation Control

Sub-section 6.14.6 Erosion and Sedimentation Control Plans

E. ENVIRONMENTAL POLICY ACT DOCUMENT

Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environment Policy Act (NCGS§ 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town shall promptly notify the person submitting the plan that the 30-day time limit for review of the plan pursuant to this section shall not begin until a complete environmental document is available for review.

F. CONTENT

The plan required by this section shall contain architectural or engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with these requirements. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the Town on request.

G. TIMELINE FOR DECISIONS ON PLANS³⁴

1. The Town will review each complete plan submitted to them and within 30 days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, or disapproved.
2. Failure to approve, approve with modifications, or disapprove a complete plan within 30 days of receipt shall be deemed approval, the same as the 30-day initial plan review.
3. The Town of Clayton will review each revised plan submitted to them and within 15 days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, or disapproved.

H. APPROVAL

1. The Town shall only approve a plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and State water quality laws, regulations, and rules.
2. The Town shall condition approval of plans upon the applicant's compliance with federal and State water quality laws, regulations, and rules.
3. Plan approval is contingent on land-disturbing activity commencing within a year of Land Disturbing Permit issuance.
4. Issuance and regulation of a Land Disturbance Permit shall be in accordance with Section 2.3.15, Land Disturbance Permit.

I. DISAPPROVAL FOR CONTENT

The Town may disapprove a plan or draft plan based on its content. A disapproval based upon a plan's content must specifically state in writing the reasons for disapproval.

J. OTHER DISAPPROVALS³⁵

1. The Town shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters.
2. The Town may disapprove an erosion and sedimentation control plan in accordance with Section 6.14.6K, Plan Appeals. or disapprove a transfer of a plan under Section 6.14.6L.

³⁴ STN 1 change added from Graham Parrish at DEQ in accordance with Model Ordinance.

³⁵ STN 1 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



Chapter 6 Standards

Section 6.14 Soil Erosion & Sedimentation Control

Sub-section 6.14.6 Erosion and Sedimentation Control Plans

Transfers [Section 6.14.6K, Plan Appeals](#), upon finding that an applicant or a parent, subsidiary, or other affiliate of the applicant:

- a. Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the Town pursuant to this section and has not complied with the notice within the time specified in the notice.
 - b. Has failed to pay a civil penalty assessed pursuant to these standards by the time the payment is due.
 - c. Has been convicted of a misdemeanor pursuant to NCGS§ 113A-64(b) or other aspect of these standards.
 - d. Has failed to substantially comply with State rules or these regulations.
 3. In the event that an erosion and sedimentation control plan or a transfer of a plan is disapproved by the Town pursuant to this sub-section, the Town shall notify the Director of the Division of Energy, Mineral, and Land Resources within ten days of the disapproval. The Town shall advise the applicant or the proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of [Section 6.14.6K, Plan Appeals](#), the applicant may appeal the local government's disapproval of the plan directly to the Commission.
 4. For purposes of this section, an applicant's record or the proposed transferee's record may be considered for only the two years prior to the application date.

K. PLAN APPEALS

1. The appeal of a disapproval or approval with modifications of a plan shall be governed by the following provisions:
 - a. The disapproval or modification of any proposed plan by the Town, may be appealed in accordance with [Section 2.3.2, Appeal](#).
 - b. If the Board of Adjustment upholds the disapproval or modification of a proposed plan following the hearing, the person submitting the plan shall then be entitled to appeal the decision to the Commission as provided NCGS§ 113A-61(c) and 15A NCAC 4B.0118(d).
2. In the event that a plan is disapproved pursuant to [Section 6.14.6J, Other Disapprovals](#), the applicant may appeal the Town's disapproval directly to the Commission.

L. TRANSFERS

The Town may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this section.

1. The Town may transfer a plan if all of the following conditions are met:
 - a. The successor-owner of the property submits to the Town a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.
 - b. The Town finds all of the following:
 - i. The plan holder is one of the following:
 1. A natural person who is deceased.
 2. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
 3. A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.



Chapter 7 Violations

Section 7.5 Enforcement Procedure

Sub-section 7.5.4 Remedy Upon Notice

4. TIME PERIOD FOR CORRECTION

The time period in which the violation must be corrected;

5. PENALTIES THAT MAY BE ASSESSED

That penalties or remedies may be assessed if the violation is not addressed within the time period for correction; and

6. APPEAL

That the responsible entity has the right to appeal the notice in accordance with [Section 2.3.2, Appeal](#).

B. DELIVERY OF WRITTEN NOTICE³⁶

1. The notice of violation shall be delivered to the responsible entity and the landowner if the landowner is not the responsible entity, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.
2. The notice of violation may be posted on the property.
3. The Town official providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.
- ~~3.~~ 4. In the case of notice for a potential soil erosion and sedimentation violation, notice shall be issued by any means authorized under NCGS§ 1A-1, Rule 4, pursuant to NCGS§ 113A-61.1(c).

C. INITIAL NOTICE SHALL CONSTITUTE FINAL NOTICE

The initial written notice of a violation shall constitute final notice regarding a violation, though additional written notice may be provided, in the sole discretion of the Planning Director or other designated Town official.

7.5.4 REMEDY UPON NOTICE

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the time period for correction stated in the notice of violation.

7.5.5 FAILURE TO COMPLY WITH ORDER

If the landowner or responsible entity fails to comply with a notice of violation from which no appeal has been taken, or fails to comply following a final decision by the Board of Adjustment on an appeal, the landowner or responsible entity shall be subject to such remedies and penalties as may be provided for by State law or [Section 7.6, Remedies](#).

7.5.6 EACH DAY A SEPARATE VIOLATION

Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

³⁶ STNote 2 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



7.9 VIOLATION OF SOIL EROSION AND SEDIMENTATION CONTROLS

Violations of the Town's erosion control and sedimentation standards (see Section 6.14, Soil Erosion & Sedimentation Control) shall be subject to the provisions of this Chapter as well as the following:

7.9.1 CIVIL PENALTIES

1.A. GENERALLY

Any responsible entity who accidentally or inadvertently violates any of the provisions of Section 2.3.21J.5, Erosion Control Permit, or Section 6.14, Soil Erosion & Sedimentation Control, or who initiates or continues a land-disturbing activity for which an erosion control or sedimentation plan is required, or fails to comply with the provisions of an approved erosion control and sedimentation plan, shall be subject to a civil penalty in accordance with the following:

- a.1. The maximum civil penalty amount the Town may assess per violation is \$5,000.
- b.2. A civil penalty may be assessed from the date of the violation, and each day of a continuing violation shall constitute a separate violation.
- c.3. When the responsible entity has not been assessed any civil penalty under this section for any previous violation, and that responsible entity has abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this section for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is \$25,000.

2.B. ENVIRONMENTAL IMPACTS

- a.1. In addition to the civil penalties provided with the Town's fee schedule, the Town may also assess a one-time civil penalty of \$5,000 on the day of the violation for off-site sedimentation damage especially in the case of damage to a body of water, wetlands, or riparian buffer.
- b.2. Any malicious or intentional destruction of silt fencing or other sedimentation and erosion control device will result in a one-time civil penalty of up to \$1,000.

3.C. REPEAT OFFENSES

- a.1. An additional civil penalty of \$1,000 per day shall be charged to any responsible entity assessed a civil penalty for any violation of these standards within the prior two years.
- b.2. A responsible party may be assessed a civil penalty from the date the violation is detected if the deadline stated is not met.
- c.3. Each day of a continuing violation shall constitute a separate violation.

4.D. CIVIL PENALTY ASSESSMENT FACTORS

The Engineering Director shall determine the amount of the civil penalty based upon the following factors:

- a.1. The degree and extent of harm caused by the violation;
- b.2. The cost of rectifying the damage;
- c.3. The amount of money the responsible entity saved by noncompliance;
- d.4. Whether the violation was committed willfully, and therefore subject to Section 7.6.3, Criminal Penalties; and
- e.5. The prior record of the responsible entity in complying or failing to comply with the Town's standards for erosion and sedimentation control.



Chapter 7 Violations

Section 7.9 Violation of Soil Erosion and Sedimentation Controls

Sub-section 7.9.2 Criminal Penalties

5.E. NOTICE OF PENALTY ASSESSMENT³⁷

- a.1.** The Engineering Director shall provide notice of the civil penalty amount and basis for assessment to the responsible entity in accordance with NCGS§ 1A-1, Rule 4.
- 2.** A notice of assessment shall direct the responsible entity to either pay the assessment, contest the assessment within 30 days by filing an appeal (see Section 2.3.2, Appeal), or file a request with the ~~Sedimentation Control Commission~~ Town for remission of the assessment within ~~60~~ 30 days of receipt of the notice of assessment.
- b.3.** In cases where a remission request is filed by a violator, is accepted by the Town, and resolves the violation, in the sole discretion of the Engineering Director, it shall be necessary to transmit the request to the Sedimentation Control Commission, and the Town shall resolve the violation and penalty assessment with the violator in accordance with NCGS§ 113A-64.2. Appeals of the decision of the Engineering Director shall be made to the Sedimentation Control Commission.
- c.4.** A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to NCGS Chapter 150B and a stipulation of the facts on which the assessment was based.

6.F. REMISSION OF CIVIL PENALTY ASSESSMENT³⁸

A request for remission of a civil penalty imposed under NCGS§ 113A-64 may be filed with the North Carolina Sedimentation Control Commission within ~~60~~ 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to NCGS § 150B-31 and a stipulation of the facts on which the assessment was based.

7.G. COLLECTION³⁹

- a.1.** If payment is not received within 60 days after it is due, the Town may institute a civil action to recover the amount of the assessment.
- b.2.** The civil action may be brought in the Johnston County Superior Court, or the County Superior Court of the responsible entity's residence or principal place of business.
- c.3.** Such civil actions must be filed within three years of the date the assessment was due.
- d.4.** An assessment that is not contested and a remission that is not requested is due when the responsible entity is served with a notice of assessment.
- 5.** An assessment that is contested or a remission that is requested is due at the conclusion of the administrative and judicial review of the assessment.
- e.6.** Penalties collected by the Town shall be forwarded to the Civil Penalty Forfeiture Fund in accordance with NCGS § 115C-457.2.

B.7.9.2 CRIMINAL PENALTIES

Any person who knowingly or willfully violates any provision of Section 2.3.21J.5, Erosion Control Permit, or Section 6.14, Soil Erosion & Sedimentation Control, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion control and sedimentation plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor pursuant to NCGS§ 113A-64. Any responsible entity who engages in this conduct shall, upon conviction thereof, be fined not more than \$5,000.

³⁷ STNote 3 change added from Graham Parrish at DEQ in accordance with Model Ordinance.

³⁸ STNote 3 change added from Graham Parrish at DEQ in accordance with Model Ordinance.

³⁹ STNote 3 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



Chapter 8 Word Usage

Section 8.3 Terms Defined Multi-Use Path

TABLE 8.3: TERMS DEFINED

TERM	DEFINITION(S)
MULTI-USE PATH	A form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, bicycling, inline skating, and people in wheelchairs. Paths <u>are</u> typically surfaced with asphalt or concrete and are located within public street rights-of-way. <u>A sidepath is a multi-use path.</u>
MURAL	A painting or other work of art executed directly on a wall.
N	
NATIONAL FLOOD INSURANCE PROGRAM	A program operated by the Federal Emergency Management Agency that provides flood insurance for development within areas within a community that are susceptible to flooding and establishes a set of standards for development as a condition of participation in the program.
NATIVE TREE	See "Tree, Native."
NATIVE VEGETATION	Plants that are endemic or naturally occurring within a specified area.
NATURAL EROSION	For the purposes of Soil Erosion and Sedimentation, the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
NATURAL HERITAGE AREA	A site designated by the federal government to encourage historic preservation of the area and an appreciation of the history and heritage of the site.
NEIGHBORHOOD	A distinct area including two or more building lots that share some defining characteristics such as the type of development, the time of development, architecture, general location, socio-economic or demographic characteristics, or other feature that allows the area to be distinguished as a single unit from its surroundings.
NEIGHBORHOOD INFORMATION MEETING	A meeting conducted by the applicant of a proposed development with those in the area around the proposed development.
NEON LIGHTING	See "Luminous Tube Lighting."
NEW CONSTRUCTION	For the purposes of the Flood Protection Overlay District standards, structures for which the start of construction commenced on or after June 16, 1987, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.



765

Town of Clayton | Last Update
Unified Development Ordinance | ~~11-20-23~~ **4.15.24**

Chapter 8 Word Usage

Section 8.3 Terms Defined Septic Tank

TABLE 8.3: TERMS DEFINED

TERM	DEFINITION(S)
SEPTIC TANK	An on-site sewage treatment or storage device.
SETBACK	A required distance from a lot line or development boundary for a principal or secondary building and some required site features, as determined in accordance with Section 3.6.8, Setbacks .
SEVERE PRUNING	The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.
SEXUALLY-ORIENTED BUSINESS	Any place defined as an "adult establishment" by NCGS§ 14-202.10, except that the use type shall not include an adult bookstore, adult video store, adult cabaret, or adult motel as identified and defined in this Ordinance. Another adult use shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy use, or other similar health-related use provided the person rendering or receiving a massage does not exhibit or include "specified anatomical areas" as defined by NCGS§ 14-202.10.
SHADE TREE	See "Tree, Shade."
SHARED DRIVEWAY	See "Driveway, Shared."
SHIELDING (OR SHIELDED)	A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SHRUB, EVERGREEN	A shrub that retains the majority of its leaves or needles throughout the year.
SIDE FAÇADE	See "Façade, Side."
SIDEPATH	See "Multi-Use Path."
SIDEWALK	A paved area running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
SIGHT DISTANCE TRIANGLE	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.



Chapter 8 Word Usage

Section 8.3 Terms Defined

Use, temporary

TABLE 8.3: TERMS DEFINED

TERM	DEFINITION(S)
USE, TEMPORARY	A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.
UTILITY POLE	For the purposes of the communications use-specific standards, a structure that is designed for and used to carry cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless telecommunication services that is located outside the public right-of-way.
UTILITY POLE, PUBLIC	For the purposes of the communications use-specific standards, a utility pole owned, leased, or operated by the Town that is located in the public right-of-way.
UTILITY, MAJOR	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas citygates, and solid waste facilities. Facilities generating energy from solar radiation are solar energy conversion uses. Facilities generating energy from the wind are wind energy conversion uses.
UTILITY, MINOR	Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, electrical substations, and surface transportation stops such as bus stops and park-and-ride facilities.
V	
VARIANCE	A grant of relief from the requirements of this Ordinance. A variance may grant relief from water-related standards (stormwater, stream/riparian buffers, water supply watershed, or special flood hazard area) or relief from other zoning or subdivision standards in this Ordinance.
VEGETATION PROTECTION PLAN	See "Plan, Vegetation Protection."
VEGETATIVE COVER	The presence of vegetation (whether tree, shrubs, or ground cover) in a particular location.
VEHICLE PAINTING/ BODYWORK	Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.
VEHICLE PARTS AND ACCESSORY SALES	The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to bed liners, toolboxes, truck tops, or audio systems. Such uses do not include the sale of gasoline or other fuels.
VEHICLE REPAIR (NON-COMMERCIAL)	The non-commercial servicing or repair of a personal vehicle on private property.



809

Town of Clayton | Last Update
Unified Development Ordinance | ~~11-20-23~~ 4.15.24



UDOTA 1-24 SUMMARY TABLE

Last Table Update: 3-20-24

PB packet due 3/15/24 – PB Meeting 3/25/24 – TC Work Session 4/1/24 – TC Adoption 4/15/24

#	Date Added	Source	Short Title	UDO #	P# (+/-)	Description
1	2-16-24	Joshua	Erosion Control Plans	6.14.6	638	Graham Parrish of DEQ provided a series of changes to the Erosion Control Plan requirements based on the NC Model Ordinance. These changes are included.
2	2-16-24	Joshua	Erosion Control Enforcement	7.5.3.B	682	Clarification that delivery of a NOV regarding erosion or sedimentation is in accordance with applicable NCGS
3	2-16-24	Joshua	Erosion Control Enforcement	7.9.1.E,F, G	690	Remission requests must be requested within 30 days, not 60. The Town has opted to accept the ability to consider and process remission requests.
4	2-16-24	Joshua	Riparian Buffers	2.3.29; 6.12	148, 152, 591	Removal of riparian buffer variance provisions, removal of riparian buffer standards in Section 6.12 in favor of short sentences cross referencing the NCAC
5	2-16-24	Staff	Development Entry Points	Table 6.5.12.F.7	502	The table is unclear about development with 100 units
6	2-16-24	Staff	Neighborhood Meeting	2.4.4.	161	Requirement is that staff not be allowed to attend; also, that it be done 10 days. Need to allow staff and flexibility with regards to the meeting being held.
7	2-16-24	Staff	Wastewater Typo	Table 6.5.10.	492	This should read correctly and not refer to waste water or sewer. Also, need to clarify the requirements for mandatory connection to potable water if not a residential subdivision.
8	2-16-24	Staff	Trucks & Trailers	4.5.5.W.	369	Heavy trucks are allowed in non-residential... restrictions of these vehicles are only in Residential. We have a tractor trailer in CRM on NCDOT. Also want to address cases where trailers are just left on non-residential sites.  W. PARKING OF HEAVY TRUCKS OR TRAILERS 1. The parking or storage of motorized vehicles in excess of 10,000 pounds of gross vehicle weight, or with more than two axles, shall be prohibited in all residential districts except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes. 2. The parking or storage of non-motorized vehicles with more than two axles shall be prohibited in all residential districts except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes. 3. In no instance shall a non-motorized vehicle have an overall length exceeding 22 feet not including the tongue or towing assembly. 4. No apparatus designed to be used as a motor vehicle or designed to be towed by a separate motorized unit or vehicle shall be used for the purposes of storage in any residential district.
9	2-16-24	Staff	Traffic Assessment	2.3.27.C.	142	Revise to "may require" instead of Shall

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description															
						C. TRAFFIC ASSESSMENT OPTION 1. In cases where the number of vehicle trips is not known (such as in the case of a Conventional Rezoning application), or in cases where the proposed uses will not result in 100 or more vehicle trips during any peak hour nor more than 1,000 vehicle trips per day, the Engineering Director <u>shall</u> require a Traffic Assessment instead of a Transportation Impact Analysis. 2. A Traffic Assessment is a general investigation of anticipated traffic on adjacent roadway capacity and function as opposed to detailed estimates of the number of trips and steps necessary to maintain a minimum operating level of service.															
10	2-16-24	Staff	Deviations & Reductions	3.3.1.E.4.	231	This implies that minimum standards aren't being met. Page 232 of .pdf, Section 4. We need to make sure that minimum UDO standards are being met; suggest change from “deviation” to some other word to avoid suggestion of ‘deviance’ from the UDO.															
11	2-16-24	Staff	Parkland Dedication	6.7.2.	554	Says 5 or more; should read more than 5 or 6 or more so that minor subdivisions aren't needing to provide parkland dedication. This would align it with Open Space requirements. 6.7.2 PARKLAND DEDICATION Subdivisions of land for five or more single-family residential lots (including detached or attached units) shall be required to dedicate a portion of the land, or pay a fee-in-lieu thereof, for public parkland, in accordance with the standards of this section. A. DEDICATION AMOUNT 1. Single-family residential subdivisions of five or more lots shall dedicate 1,244 square feet of land per residential lot or principal dwelling unit to the Town for its use in developing public parkland. 2. No credit towards required parkland dedication is given for lands mandated for preservation by State or federal requirements. 3. No more than 25 percent of the total dedication requirement may be met through dedication of water areas. B. DEDICATION OR PAYMENT OF FEE-IN-LIEU PROCEDURE 1. The developer or landowner, as appropriate, shall identify land proposed for dedication or propose payment of a fee-in-lieu as part of the application for approval in accordance with Section 2.3.13, <u>Fee-in-Lieu</u>. D. MINIMUM OPEN SPACE SET-ASIDE REQUIREMENTS 1. AMOUNT a. The minimum required amount of open-space set-aside, as a percentage of a development's size, shall be in accordance with the dimensional standards for the type of use in the zoning district where the development is located. Chapter 3, Districts, sets out the open space set-aside requirements for each zoning district. b. Nothing shall limit the provision of more open space set-aside, provided the minimum requirements in this Ordinance are met. 2. TYPE a. Table 6.7.1.D, Open Space Type, identifies the form(s) of open space set-aside required by this Ordinance. <table><tr><th colspan="2">TABLE 6.7.1.D. OPEN SPACE SET-ASIDE TYPE</th></tr><tr><th>ZONING DISTRICT WHERE LOCATED [1]</th><th>TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]</th></tr><tr><td>CRM, HD, LID, NCM, OR, CZ, CZ1</td><td>Passive Open Space [3]</td></tr><tr><td>DTNC, DTNN, DTNT, CZD</td><td>Gathering Space [4]</td></tr><tr><td>MXD, CZM</td><td>Active Open Space [5]</td></tr><tr><td>PUB</td><td>Passive Open Space [5]</td></tr><tr><td>RHD, RLL, RLD, RMD, RMF, RUR, CZR</td><td>Residential Development with 6 or more units Residential Development with 5 or fewer units All Other Development</td><td>50% Active Open Space or Gathering Space [6] N/A Passive Open Space [5]</td></tr></table> NOTES: [1] The type of open space set-aside provided may deviate from these requirements as part of a Type 3 Conditional Rezoning. [2] See Section 6.7.1.E, <u>Open Space Set-Aside Configuration</u>, on allowable forms of development and configuration. [3] Development may provide some or all of the required open space set-aside as active open space or gathering space, at the discretion of the applicant. [4] Development may provide some or all of the required open space set-aside as active open space.	TABLE 6.7.1.D. OPEN SPACE SET-ASIDE TYPE		ZONING DISTRICT WHERE LOCATED [1]	TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]	CRM, HD, LID, NCM, OR, CZ, CZ1	Passive Open Space [3]	DTNC, DTNN, DTNT, CZD	Gathering Space [4]	MXD, CZM	Active Open Space [5]	PUB	Passive Open Space [5]	RHD, RLL, RLD, RMD, RMF, RUR, CZR	Residential Development with 6 or more units Residential Development with 5 or fewer units All Other Development	50% Active Open Space or Gathering Space [6] N/A Passive Open Space [5]
TABLE 6.7.1.D. OPEN SPACE SET-ASIDE TYPE																					
ZONING DISTRICT WHERE LOCATED [1]	TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]																				
CRM, HD, LID, NCM, OR, CZ, CZ1	Passive Open Space [3]																				
DTNC, DTNN, DTNT, CZD	Gathering Space [4]																				
MXD, CZM	Active Open Space [5]																				
PUB	Passive Open Space [5]																				
RHD, RLL, RLD, RMD, RMF, RUR, CZR	Residential Development with 6 or more units Residential Development with 5 or fewer units All Other Development	50% Active Open Space or Gathering Space [6] N/A Passive Open Space [5]																			
12	2-16-24	Staff	Conservation Subdivision	Table 2.2.2	52	Subdivision Types, Conservation Subdivisions isn't in this type.															
13	2-16-24	Staff	Multi-Tenant	Figure 6.13.8.C.	618	When you have a single tenant occupying multiple multi-tenant suites, is it clear in the UDO: E.g., "Rise" was occupying "left feet" or Pei Wei the yellow signs... do they get a sign on each tenant suite or one sign based on total linear feet. Also, consider this for multi-story building with multi-tenants in downtown. Example below, pink is multi-tenant on two story and red showing one tenant occupying multiple tenant suites.															

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
						
14	2-16-24	Staff	Wall Sign	6.13.9.L.	632	Is this SF per Linear Foot or SF divided by Linear Foot? So, for 100 linear feet sign area would be 150 SF or 100 divided by 1.5 so 66 SF?
15	2-16-24	Staff	Typo	6.1.4.D.3. a.	417	Typo: "own" not "on" 3. REQUIRED NUMBER a. The maximum number of driveway access points serving an individual single-family detached, duplex, triplex, or quadplex dwelling on its lot shall be two, but the lot
16	2-16-24	Staff	RV's parked in front of house?	4.5.5.X.4.	831	This requirement may be difficult to enforce.
17	3-11-24	Staff	CZR Density for multifamily	3.3.6.B	235	Added language clarifying that residential development not permitted in RMD should follow the dimensional standards for RMF when proposed in CZR
18	3-11-24	Staff	Incentives	3.5.1	240	Remove circular reference regarding conditional rezoning density incentives. Clarify that densities can be stacked or added. Also need to clarify that densities in conditional zoning districts are based on the associated conventional district (but may be modified in accordance with available incentives)
19	3-11-24	Staff	Use Table	4.2.5	290	Remove transfer station as a permitted use in HID and RUR
20	3-11-24	Staff	Use Table	4.2.5		Relocate all forms of self-storage to CZI from LID
21	3-11-24	Staff	Private Streets/Gates	6.5.12.G.6	504	Clarify that gates may be included across a driveway
22	3-11-24	Staff	Exempt Subdivisions	2.3.12	86	Clarify that the statutes explain the exempt subdivision
23	3/11/24	Patrick Pierce	TRC attendance	1.8.6	35	Concern over the Planning Director determining who can attend a TRC meeting
24	3/11/24	Staff	Pedestrian facilities	2.3.13	90	Why are trails listed in FIL when these a private features not required by the UDO? Also, what is a sidepath?
25	3/11/24	Patrick Pierce	Setbacks	3.6.8	252	What is the relationship between setbacks and easements or landscaping areas? Setbacks are measured from lot lines, correct?
26	3/11/24	Consulting Team	Street Connectivity Index	6.5.12.F.6	506	Clarify that only street stubs located at property boundaries may qualify as links in the street connectivity index
27	3/11/24	Consulting team	Wastewater Connection	6.5.13.B	512	As was done with potable water, the sewer connection standards need to be revised to clarify the rules for single-lot developments.
28	3/11/24	Patrick Pierce	Setbacks and easements	6.6.9.E	524	How are setbacks measured when there is a utility easement or landscaping buffer running

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
						parallel to the lot line?
29	3/11/24	Patrick Pierce	Greenway reservation	6.10.1	588	The greenway reservation requirement for additions and expansions is too high and should be relaxed to encourage additions and expansions of existing buildings
29	3/11/24	Patrick Pierce	Sidewalk provisions	6.10.2	591	The greenway reservation requirement for additions and expansions is too high and should be relaxed to encourage additions and expansions of existing buildings
30	3.12.24	Staff	Subdivision Signs	6.3.19.I	618	Need to clarify if there are limits to the size of a sign supporting structure
31	3.11.24	Patrick Pierce	Street Renaming	2.3.24		Do Town-initiated street renamings require a petition?
32	3.19.24	Staff	Duplex/Triplex	3.2.12, 3.2.15		Remove duplexes, triplexes, and quadplexes by right in RMD and RHD and permit them in the conditional option
33	2-16-24	Staff	Change of Use	5.4.3.	401-2	This may stifle local upstart businesses... in areas outside of downtown. 5.4.3 CHANGE OF USE A. Except on lots in the Downtown district, in cases where an existing principal use in a single-tenant building is replaced by a different use type, or a vacant principal structure is proposed for occupancy by a new principal use, all nonconforming site features shall be brought into full compliance with all applicable requirements in this Ordinance. B. In cases where the principal use within a principal structure on a lot within the Downtown district is subject to a change in use, nonconforming site features associated with screening, fences, walls, and exterior lighting shall be brought into full compliance with all applicable requirements of this Ordinance. Full compliance with off-street parking, landscaping, or open space set aside shall not be required, but are encouraged.
34	3.20.24	Staff	Conventional Rezoning	2.3.8.C	78	Confirm that conditional rezonings are only process a limited number of times per year
35	3.11.24	Patrick Pierce	Temporary Use Permit	2.3.25	139	Decisions regarding special event permits should not be in sole discretion of Planning Director
36	3.11.24	Patrick Pierce	Fill in floodplain	3.7.2.B	267	Should treat all activities resulting in fill in the floodplain the same



Planning Board Agenda Cover Sheet

Meeting Date

March 25, 2024

Agenda Location

NEW BUSINESS

Item Title

2023-115-CZM Carolina Overlook North Conditional Rezoning

Presenter(s)

Steven Mott, Planner II

Suggested Action

Other - Recommendation to Town Council

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☒ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Other/Special Instructions: Signs posted

Summary

The applicant has petitioned the Town of Clayton to Rezone an approximately 357 acre parcel located off of Covered Bridge Rd, from R-8 & R-10 (RMD & RLD per the new UDO) to a Conditional Zoning – Residential District (CZ-R). The Conditional Zoning District would allow for up to 750 units, or a density of up to 2.1 units per acre, along with a recreation center, and active and passive open space with related uses. The Conditional Zoning District is accompanied by a Master Plan and Master Plan Narrative.

Recommendation

Staff recommends approval of the conditional rezoning.

Funding Source

N/A

Corresponding Documentation

[Staff Report - 2023-115-CZM - Carolina Overlook N](#)

[Staff Report Maps - Carolina Overlook N](#)

[1. Application 2023-115-CZM Carolina Overlook North](#)

[1.1 Owner Consent Form 1 2023-115-CZM Carolina Overlook North](#)

[1.2 Owner Consent Form 2 2023-115-CZM Carolina Overlook North](#)

[2 - Master Plan Narrative - 2023-115-CZM Carolina Overlook North](#)

[3 - Master Plan - 2023-115-CZM Carolina Overlook North](#)

[4 - Neighborhood Meeting Invitation Carolina Overlook North CZM 2023-115-CZM](#)

[5 - Wastewater Allocation - WWA Application 2023-62-WWA Carolina Overlook North](#)

[6 - TIA - Steeplechase 2023-115-CZM Carolina Overlook North](#)

[7 - 2023-115-CZM - Carolina Overlook North - Signed Zoning Conditions 23-0335](#)

[8 - Consistency Statements Sheet - Planning Board - 2023-115-CZM - Carolina Overlook North](#)

Submitted By: Steven Mott, Planning

Reviewed By:

Conrad Olmedo, Planning Director

Approved - Mar 15 2024



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 March 25, 2024

STAFF REPORT

Application Number: 2023-115-CZM
Project Name: Carolina Overlook North

Tag #: 05H02009B

Location: 1603 NC Hwy 42, Clayton NC 27527

Existing Zoning District: R-8, R-10 (RMD, RLD)

Proposed Zoning District: CZ-R

Acreage: 362.75 +/- acres

Existing Use: Vacant

Consultant: WithersRavenel

Applicant: Pulte Homes Corporation

Owner(s): Raymond Elmore Earp Jr Family Trust; Nancy Crews Earp Trustee

Public Noticing:

- Neighborhood meeting: November 14, 2023
- Sign posted: March 6, 2024
- Letters mailed: March 7, 2024

REQUEST: This is a request to rezone property currently zoned Residential Medium Density (RMD) and Residential Low Density (RDL) to be Conditional Zoning – Residential District (CZ-R). The property is located on the north side of Covered Bridge Rd., between Smith Rd. and the Neuse River, consists of approximately 362.75 acres, and is identified as Johnston County Tag# 05H02009B.

PROJECT OVERVIEW

The applicant is requesting a Conditional Zoning – Residential District (CZ-R) with an associated Master Plan to allow for 750 residential dwellings and an Assembly Use on 362.75 +/- acres. The Conditional Zoning District would allow for up to 750 units consisting of both single-family detached units ranging in lot sizes from 4,700 square feet to 8,000 square feet and single-family attached units with a minimum lot size of 4,400 square feet. The project density based on gross acreage will be up to 2.1 units per acre. The project includes a community center with a clubhouse, pool, and mail kiosk. The Conditional Zoning – Residential District (CZ-R) is accompanied by a Master Plan illustrating the overall

development, a Master Plan Narrative providing a project overview, and a list of Recommended Conditions of Approval accepted by staff and signed by the applicant.

SITE ANALYSIS

ADJACENT ZONING, LAND USES, AND FUTURE LAND USE MAP

Direction	Zoning	Existing Use(s)	Future Land Use Map
North	Residential Large Lot (RLL)	Single-family residential	Low Density Residential and Recreation and Open Space
South	Planned District Residential (PD-R), Neighborhood Commercial (NCM), and Planned District Multi Use (PD-MU)	Single-family residential/Vacant/Under Development	Medium Density Residential
East	Residential Medium Density (RMD), Residential Large Lot (RLL)	Neuse River/Single-family residential	Low Density Residential and Medium Density Residential
West	Residential Large Lot (RLL)	Single-family residential	Low Density Residential and Recreation and Open Space

DEVELOPMENT INFORMATION

Proposed Uses:	Residential (detached single-family homes and 2-unit attached single-family homes), clubhouse, park, parking lot, temporary parking lot, food truck, and associated residential accessory uses.
Proposed Density:	Up to 750 units are proposed at an overall proposed residential density of 2.1 units/acre for the development.
Fire Protection:	Town of Clayton
Access/Streets:	2 additional access points will be provided on Covered Bridge Rd. with connections providing access throughout Brookhill Dr., which bisects the proposed development. An access road is also proposed to connect to the existing stub at Michael Way.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Duke Energy

TRANSPORTATION IMPROVEMENTS

The development will be accessed predominately from Covered Bridge Road through Brookhill Drive and will consist of internal streets built to Town standards with sidewalks, curb and gutter. The consultant group Ramey Kemp has performed a trip generation assessment of the proposed Carolina Overlook North Development rezoning. While no formal unit count for the project has been identified to-date, it was assumed for the purposes of these calculations that the project would include up to 750 units in the form of “Senior Adult—Single-Family Housing”. Trip generation calculations for this site were performed using data from the 11th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Those calculations are summarized below in Table 1 Trip Generation and the provided Traffic Impact Analysis (Attachment 7).

Table 1 Trip Generation

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Senior Adult – Single Family Housing (251)	750 units	3,285	59	121	130	84

Traffic Impact Analysis Recommended Improvements:

Based on the findings in the TIA, the improvements below have been recommended to be constructed by the developer to mitigate traffic impacts by the proposed development. These improvements are also outlined in Chapter 6 of the Master Plan Narrative and in the Conditions of Approval.

Roadway/Intersection	Recommended Improvements
Covered Bridge & Shotwell Road	- Signal timings modification. - Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
Covered Bridge Road & Site Access #1 / Steeplechase Driveway #3	Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
Covered Bridge Road & Site Access #2	Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
Brookhill Drive & Site Access #3	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #4	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #5	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #6	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #7	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #8	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #9	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #10	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

STORMWATER

The proposed development is located within the Neuse River Basin and will require stormwater management measures for quality and quantity control in accordance with the Town of Clayton Stormwater Design Manual and the Stormwater Management Ordinance in effect at the time of approval, as outlined in Section 158 of the Clayton UDO. A network of underground piping will convey storm drainage from impervious areas to the proposed Stormwater Control Measures. The number, location, and adequate sizing for these devices will be verified during final site design. All SCMs will be required to meet North Carolina Department of Environmental Quality and Town of Clayton design requirements at the time of site construction drawing submittal.

WATER AND SEWER SERVICE

A public waterline currently exists along the frontage of the site and a wastewater allocation request has been filed in conjunction with the Conditional Zoning/Master Plan submittal which shows a total score of 55 points. All water and sewer lines will be designed to meet Town of Clayton Standards and Specifications. Additionally, a downstream sewer analysis is currently being conducted. Utility easements will be procured through the Ashcroft Section 2 site to access the Town's new Neuse River Water Reclamation Facility.

ELECTRICITY

Electric power will be provided by Duke Energy. A street/site lighting plan will be provided, in compliance with all municipal lighting standards, as part of the Construction Drawing review.

LANDSCAPING, BUFFERING AND SCREENING

A minimum 20' wide Type C landscape buffer will be provided along all project boundaries of the neighborhood per section 155.402 of the UDC. There will be a planted buffer in areas where there is no existing vegetation or where vegetation is removed or damaged during construction of Carolina Overlook North. All landscaping will be per UDC requirements in place at the time of final approval.

ARCHITECTURAL STANDARDS

Elevation examples for the development are provided in Chapter 7 of the Master Plan Narrative. Architectural standards are provided in Chapter 10 of the Master Plan Narrative and in the Conditions of Approval.

CONDITIONAL ZONING AND MASTER PLAN APPROVAL CRITERIA

Conditional Zoning District Approval Criteria

See Master Plan Narrative for Applicant Responses

In connection with its legislative decision on a conditional zoning district request, the Town Council may consider factors including, but not limited to, the following:

1. Consistency with the adopted plans and policies of the Town

Staff Commentary: The 2045 Growth Plan Future Land Use Map designates this area as Low-Density Residential, Medium-Density Residential, and Recreation and Open Space along the river frontage. The Low-Density Residential areas are “intended to remain predominantly suburban in character and provide for low-density, single-family residential development on small lots than those in Rural Residential areas.” The Plan continues, “However, a mix of residential housing types may occur under a conditional zoning district to support conservation of open space, as long as a density of 3 units per acre is not exceeded.” The Plan calls for the predominate unit type to be single-family detached homes, with “no more than 20 percent of the residential units... be constructed as Townhome units.” The Recreation and Open Space land use category, which is located along the Neuse River frontage, “applies to parks, public recreational areas, conservation areas and floodplains.” The Plan states that “uses include active and passive recreation (including trails and greenways), wildlife management, environmental restoration/mitigation/preservation, and educational uses.” The Plan does allow for structures that “support or are associated with the intended uses.”

Based on the guidance in the Land Use Plan, the proposed development is consistent with the density in the Low-Density Residential land use category and preserves the land along the river as recommended by the Recreation and Open Space land use category. The proposed development is also consistent with the recommendation of primarily single-family detached units and up to 25% single-family attached units.

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

Staff Commentary: The current zoning districts for the proposed development are MDR and LDR (R-8 and R-10 at the time of application, per the UDC), and is adjacent to other single-family home developments of similar character, and the Neuse River. Staff believes that with the proposed density and the proposed road improvements, the subject property is suitable for the proposed residential development.

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

Staff Commentary: The surrounding area is primarily single-family residential. The proposed development consists primarily of residential uses, with a clubhouse, and active and passive open space uses. The proposed conditional zoning district will allow for additional suburban-style residential development, and provide a private clubhouse and active open space amenities which are not present in the given area.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities

and stormwater drainage facilities for the proposed conditional district.

Staff Commentary: The proposed development would be served by Johnston County schools (Cooper Elementary, Riverwood Middle, Clayton High), with Cooper Elementary and Clayton High School on the County's "capped" list for the 2023-2024 school year. Access to the development will be provided by Covered Bridge Road, with Brookhill Drive and an internal network of streets providing access to the homes. The development will be required to meet the Town's Recreation and Open Space requirements in Section 155.203(l). The development will be required to meet the requirements in the Town's Stormwater Ordinance. The property has access to public water along Covered Bridge Road and will install sanitary sewer throughout the development. Staff believes that there is adequate capacity of public services and facilities to serve the proposed development.

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

Staff Commentary: Staff does not believe that legal purposes for which zoning exists will be contravened by the approval of the conditional zoning district.

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.

Staff Commentary: The proposed development will consist of suburban-style, low-density residential development. The overall density of the development is comparable to the surrounding developments and area.

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.

Staff Commentary: While the owners/developers may benefit from the development, staff believes that with the proposed conditions there will be no detriment to the general public.

Master Plan Approval Criteria

The master plan shall include and the applicant shall be responsible for successfully addressing the following:

- Compliance with § 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter;
- Consistency with the Clayton General Design Guidelines;
- Conformance of the proposal with the stated purpose of the requested conditional zoning district;
- Compatibility of the proposed development with the adjacent community;

- The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
- Compatible relationships between each component of the overall project;
- Self-sufficiency of each phase of the overall project;
- The fiscal impact of the proposal and the proposed financing of required improvements;
- The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

Staff Commentary: The applicant has provided a Master Plan Narrative providing details of the proposal. Through the Master Plan, Narrative and proposed conditions, staff believes that the applicant has successfully met the criteria.

PLANNING BOARD CONSIDERATIONS

- The Planning Board shall make a recommendation regarding the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- If approved, the conditional zoning district, master plan, and narrative will be recorded with Johnston County and shall guide future development for this land. The conditional zoning district, master plan, and narrative shall not expire, and will run with the land.
- The Planning Board may recommend conditions be added or removed. The developer must agree to any imposed conditions.

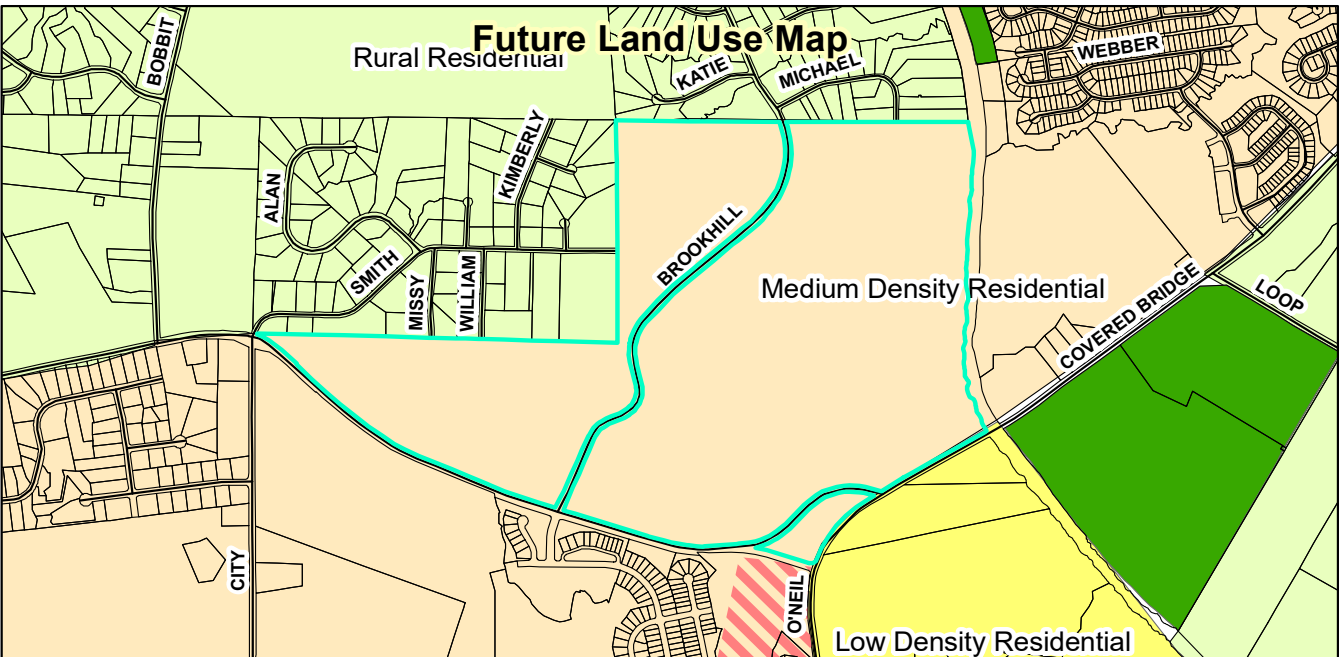
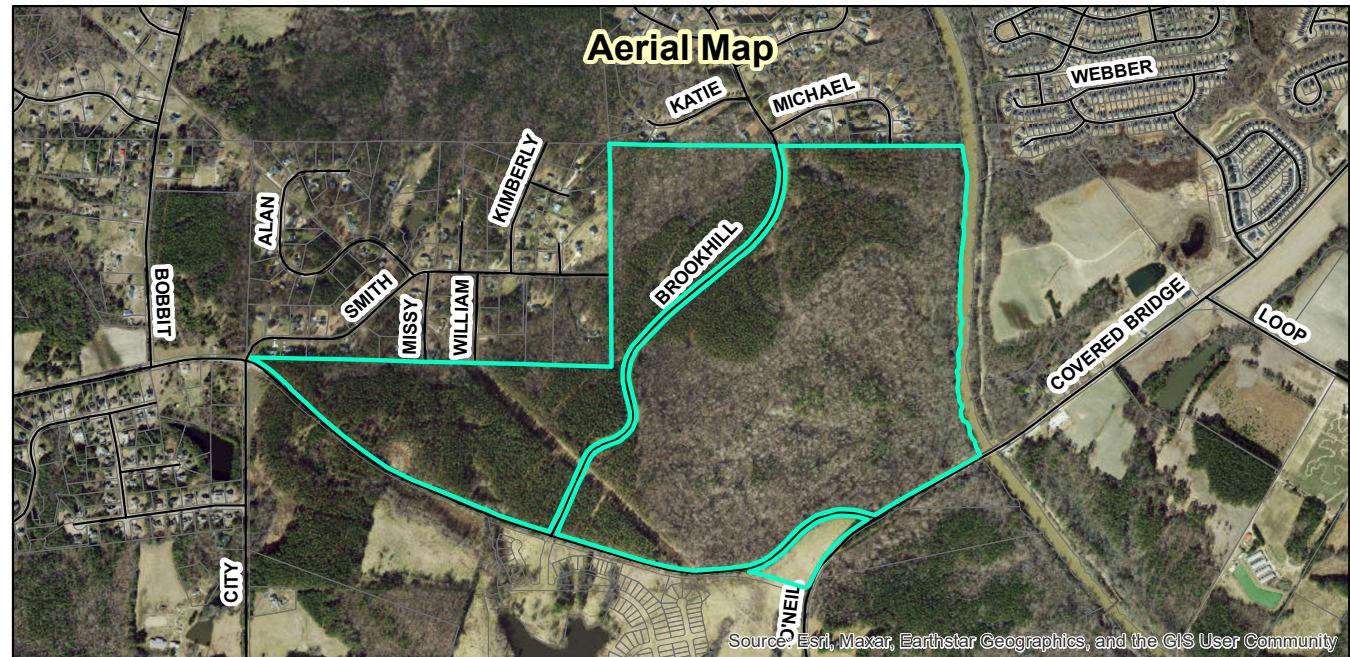
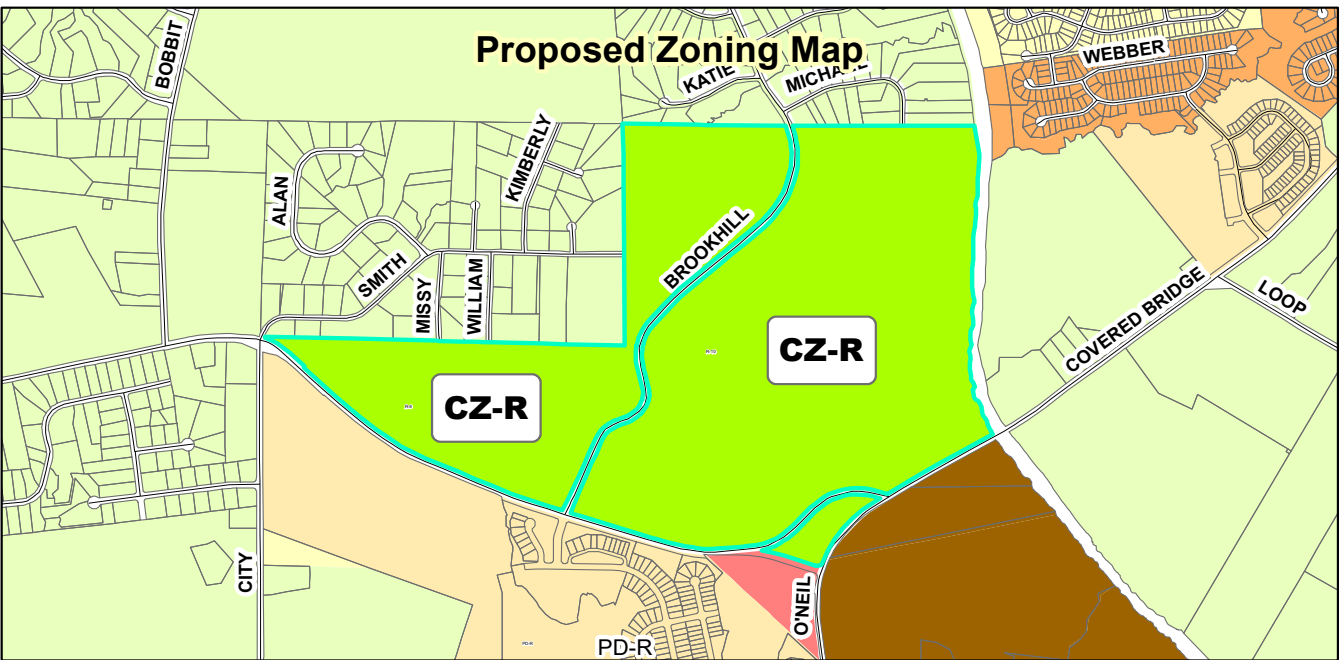
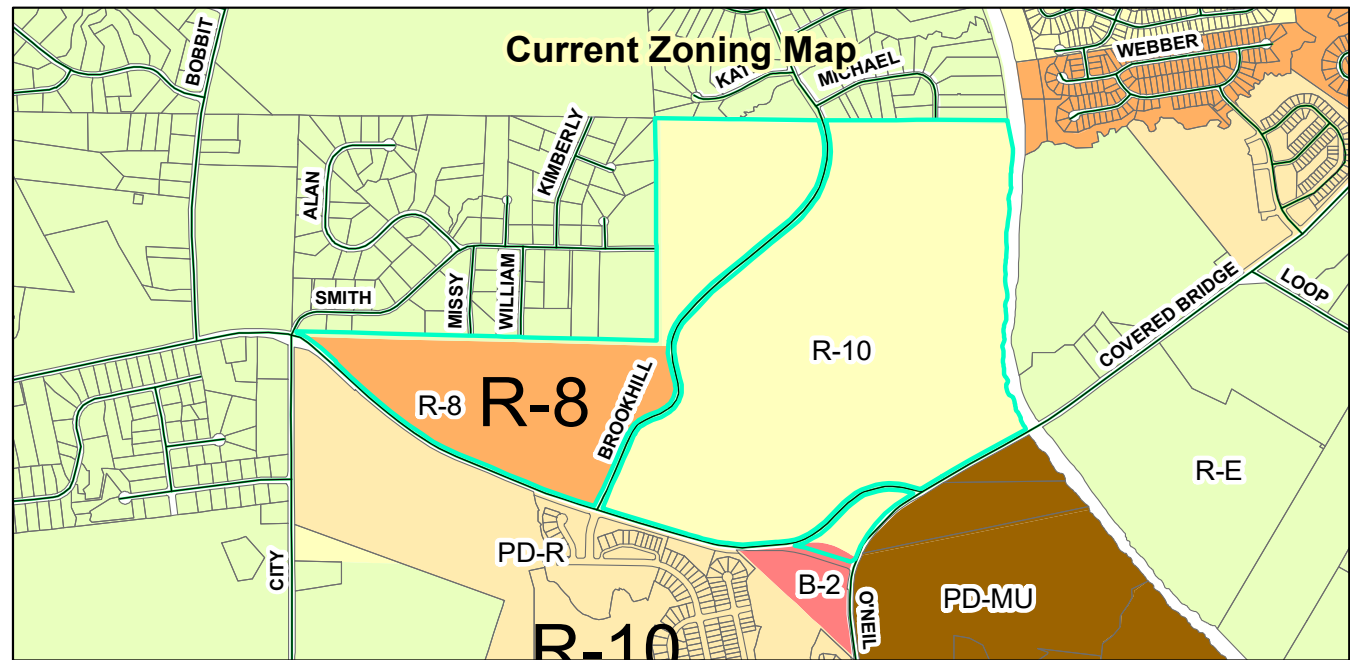
STAFF RECOMMENDATION

Staff recommends approval of the Conditional Zoning – Residential (CZ-R) District per Option 2 in the provided consistency statements sheet, approval while inconsistent with the Future Land Use Map, and based on the provided recommended Conditions of Approval, project 2023-115-CZM, Carolina Overlook North.

ATTACHMENTS:

- 1) Staff Report Maps
- 2) Application & Owner's Consent Forms
- 3) Master Plan Narrative
- 4) Master Plan
- 5) Neighborhood Meeting Materials
- 6) Wastewater Allocation Request

- 7) Transportation Impact Analysis (TIA)
- 8) Recommended Conditions of Approval – Signed
- 9) Consistency Statements Sheet



Request: Conditional Rezoning
Project Name: Carolina Overlook North Conditional Rezoning
Project Number: 2023-115-CZM

Applicant: Pulte Home Corporation
Property Owner: Raymond Elmore Earp Jr Family Trust, Nancy Crews EarpTrustee
Tag #: 05H02009B

0 750 1,500 3,000 4,500 6,000 Feet

N

Town of Clayton
1869

Staff Report Map
Prepared by: TOC Planning Department
March 5, 2024

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

Document Path: C:\Users\smott\Town of Clayton, NC\Planning - Development Projects\Conditional Zoning with Master Plan\2023\2023-115-CZM Carolina Overlook North\Maps\Staff Report Maps - Carolina Overlook N.mxd



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

Conditional Zoning, Unlimited w/Associated Concept Plan Coversheet

Name of Project: Carolina Overlook North Date: 07/17/2023
Applicant Name: Pulte Home Corporation

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: 03/14/23
- ☒ Review Fee
- ☒ Completed Application
- ☐ Owner's Consent Form
- ☒ Adjacent Property Owner's List - Include Names, Full Mailing Addresses & Parcel/NC Tag #
- ☐ Neighborhood Meeting Letter (one copy)
- ☐ Signed & sealed boundary survey
- ☐ Copy of signed & sealed boundary survey in PDF on USB
- ☐ Master Plan Narrative
- ☐ Master Plan Set to include the following:
- Cover Sheet
 - Signed & Sealed Boundary Survey
 - Bubble Plan Outlining:
 - a. Where and which uses or groups of uses will occur
 - b. The proposed intensity/density of those uses
 - c. General location of internal and external network of public right-of-way and public infrastructure

Reviewed by: _____

July 2023



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

**Conditional Zoning, Unlimited
w/Associated Concept Plan Application**

Application Fee: \$1,000 + \$5.00 per acre

Public Noticing Fees (Mailing & Sign) will be confirmed/invoiced by town staff prior to payment.
Mailed Notice: \$1.00 per mailed notice Public Notice Signs: \$20.00 per posted sign

SITE INFORMATION

Name of Project: Carolina Overlook North
Acreage of Property: 362.75 Current Zoning District: R8 & R10
County Tag #: 05H02009B NC Pin #: 176000-51-7806
Address/Location: Covered Bridge Road
Existing Zoning District: R8 & R10 Proposed Zoning District: CZR

Ex: CZR, CZM, CZC, CZD, CZI

APPLICANT INFORMATION

Applicant: Pulte Group
Mailing Address: 1225 Crescent Green Dr, Suite 250, Cary NC 27518
Phone Number: (919) 816-1100 Fax: _____
Contact Person: Chris Raughley
Email Address: Chris.Raughley@PulteGroup.com

PROPERTY OWNER INFORMATION

Name: RAYMOND ELMORE EARP JR FAMILY TRUST and EARP, NANCY CREWS TRUSTEE
Mailing Address: 1109 SUMTER CT, SALISBURY, NC 28144-2868
Phone Number: _____ Fax: _____
Email Address: _____

OFFICE USE ONLY

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

July 2023

EXPLANATION OF PROJECT

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

Carolina Overlook North is a proposed active adult community with a maximum of 750 residential units located on the vacant 357 acre parcel at 1162 Covered Bridge Road.

The proposed zoning of the subject property is CZ-R from the R-8 and R-10 existing zoning which is consistent with the FLUM designation of LDR and MDR.

The Carolina Overlook North neighborhood would provide a variety of amenities and open space as outlined in the Conditional Zoning Master Plan Narrative.

APPROVAL CRITERIA – REZONING

All applications for a Conditional Rezoning must address the following Approval Criteria:

1. Consistency with the adopted plans of the Town. (This criteria must also be addressed in Master Plan Narrative.)

Please see the Conditional Zoning Master Plan Narrative.

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

Please see the Conditional Zoning Master Plan Narrative.

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

Please see the Conditional Zoning Master Plan Narrative.

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

Please see the Conditional Zoning Master Plan Narrative.

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

Please see the Conditional Zoning Master Plan Narrative.

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.

Please see the Conditional Zoning Master Plan Narrative.

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.

Please see the Conditional Zoning Master Plan Narrative.

APPROVAL CRITERIA- MASTER PLAN

All associated Master Plans must address the following Approval Criteria: (This criteria must also be addressed in Master Plan Narrative.)

1. Compliance with code section 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter.

Please see the Conditional Zoning Master Plan Narrative.

2. Consistency with the Clayton General Design guidelines.

Please see the Conditional Zoning Master Plan Narrative.

3. Conformance of the proposal with the stated purpose of the requested conditional zoning district.

Please see the Conditional Zoning Master Plan Narrative.

4. Compatibility of the proposed development with the adjacent community.

Please see the Conditional Zoning Master Plan Narrative.

5. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out.

Please see the Conditional Zoning Master Plan Narrative.

6. Compatible relationships between each component of the overall project.

Please see the Conditional Zoning Master Plan Narrative.

7. Self-sufficiency of each phase of the overall project.

Please see the Conditional Zoning Master Plan Narrative.

8. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems.

Please see the Conditional Zoning Master Plan Narrative.

9. The fiscal impact of the proposal and the proposed financing of required improvements.

Please see the Conditional Zoning Master Plan Narrative.

10. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community.

Please see the Conditional Zoning Master Plan Narrative.

11. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

Please see the Conditional Zoning Master Plan Narrative.

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.

DocuSigned by:
Chris Raughley VP, Pulte Home Company
Chris Raughley
7/17/2023
Print Name Signature of Applicant Date

July 2023



TOWN OF CLAYTON
Planning Department
111 E. Second St., 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: Carolina Overlook North Address or PIN #: PIN# 176000-51-78

AGENT/APPLICANT INFORMATION:

Fuite Home Company, LLC
(Name - type, print clearly)

1225 Crescent Green Dr. STE 250
(Address)
Cary, NC 27518
(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*):

Conditional Zoning Master Plan

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:

Nancy Earp Dula
(Name - type, print clearly)

1109 Sumter Court
(Address)

Nancy Earp Dula
(Owner's Signature)

Salisbury, NC 28144
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Carteret

Sworn and subscribed before me Sarah Currie, a Notary Public for the above State and County, this
the 7th day of July, 2023.

SEAL



July 2018

Sarah Currie
Notary Public

My Commission
Expires:

March 22, 2025



TOWN OF CLAYTON
Planning Department
111 E. Second St., 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: Carolina Overlook North **Address or PIN #:** PIN# 176000-51-7806

AGENT/APPLICANT INFORMATION:

Pulte Home Company, LLC

(Name - type, print clearly)

1225 Crescent Green Dr. STE 250

(Address)

Cary, NC 27518

(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*):

Conditional Zoning Master Plan

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:

Mary Earp Worley

(Name - type, print clearly)

7020 NC 42 East

(Address)

Mary Earp Worley

(Owner's Signature)

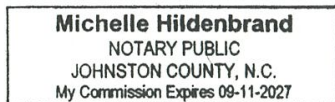
Selma, NC 27576

(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Michelle Hildenbrand a Notary Public for the above State and County, this the 10th day of July, 2023.

SEAL



Michelle Hildenbrand
Notary Public

My Commission
Expires: 9/11/27

July 2018

CAROLINA OVERLOOK NORTH

Conditional Zoning - Master Plan Narrative

Town of Clayton Project 2023-115-CZM

February 9, 2024



PREPARED BY:



Table of Contents

1. Project Overview + Conditional Rezoning Request
2. Plan Consistency + Land Use Compatibility
3. Existing Conditions + Zoning
 - a. Existing Conditions Map
 - b. Current Zoning Map
4. Carolina Overlook North Master Plan
5. Development Standards
 - a. Unit Type/Mix
 - b. Permitted Uses
 - c. Open Space and Amenities
 - d. Landscaping
 - e. Lighting
 - f. Energy Efficient Features
 - g. Natural Resources + Environmental Protection
 - h. Parking
 - i. Development Standards + Modifications
6. Infrastructure + Public Facilities
 - a. Transportation Impact Analysis
 - b. Streets + Sidewalks + Connectivity
 - c. Refuse Collection/Recycling
 - d. Fire Protection
 - e. Stormwater Management
 - f. Water + Sewer
7. Elevations
8. Conditional Rezoning Approval Criteria
9. Master Plan Approval Criteria
10. Carolina Overlook North Zoning Conditions

1

Project Overview + Conditional Zoning Request

Carolina Overlook North will be constructed as a Del Webb, active adult community with 750-maximum residential units on a 362.75+/- acre parcel adjacent to the Neuse River, O'Neil Street, Covered Bridge Road, and two Johnston County (Town of Clayton ETJ) single-family subdivisions.



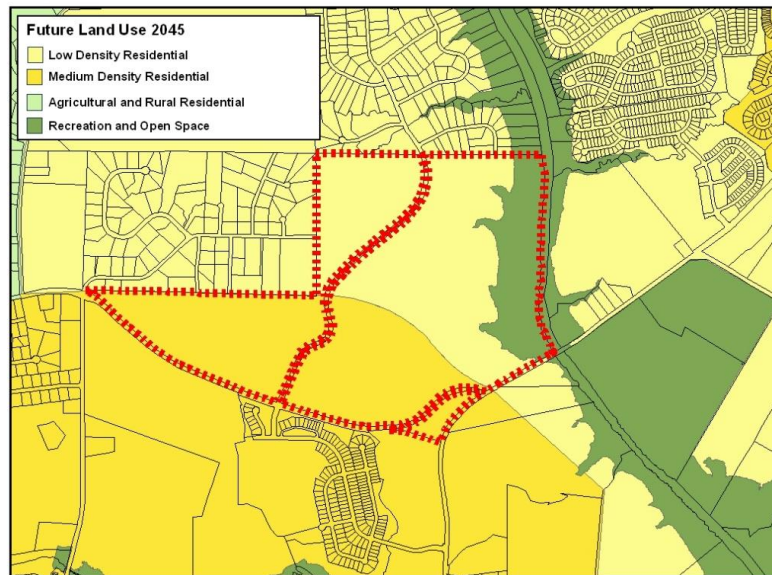
Carolina Overlook North has been thoughtfully designed to minimize impacts to the natural environment and preserves approximately 70 acres (nearly 20 percent of the site) as Resource Conservation Areas. There are pedestrian connections throughout the site that extend to the approved Carolina Overlook neighborhood south of Covered Bridge Road.

2

Plan Consistency + Land Use Compatibility

Consistency with the adopted plans of the Town.

According to the Think Clayton 2045 Comprehensive Growth Plan, the Future Land Use Map designates this property as **Low Density Residential (LDR)**, **Medium Density Residential (MDR)** and **Recreation and Open Space**. Areas designated as **LDR** are “intended to remain predominantly suburban in character and provide for low-density, single-family residential development on smaller lots than those in Rural Residential areas.”



- **Gross Residential Density*:** ≤3 units/acre
- **Unit Type:** Mostly single family detached homes, generally less than 25% attached units
- **Open Space:** Minimum of 25%**. Open space should be a mix of preserved natural features with passive recreation such as greenways and trails and more formal or developed open space such as common greens, playgrounds or sports fields.

Areas designated as **MDR** are “comprised predominantly of neighborhoods with housing units that are more urban in character and in closer proximity to commercial services and centers.”

- **Gross Residential Density*:** 3-5 units/acre
- **Unit Type:** Single family detached homes, generally less than 50% attached units
- **Open Space:** Minimum of 20%**. Open space should be a mix of preserved natural features with passive recreation such as greenways and trails and more formal or developed open space such as common greens, plazas, playgrounds or sports fields.

The allowed residential uses within the Carolina Overlook North Conditional Zoning include single family detached, and townhome products at an overall density of just over 2.1 units per acre which is consistent with the FLUM designations.

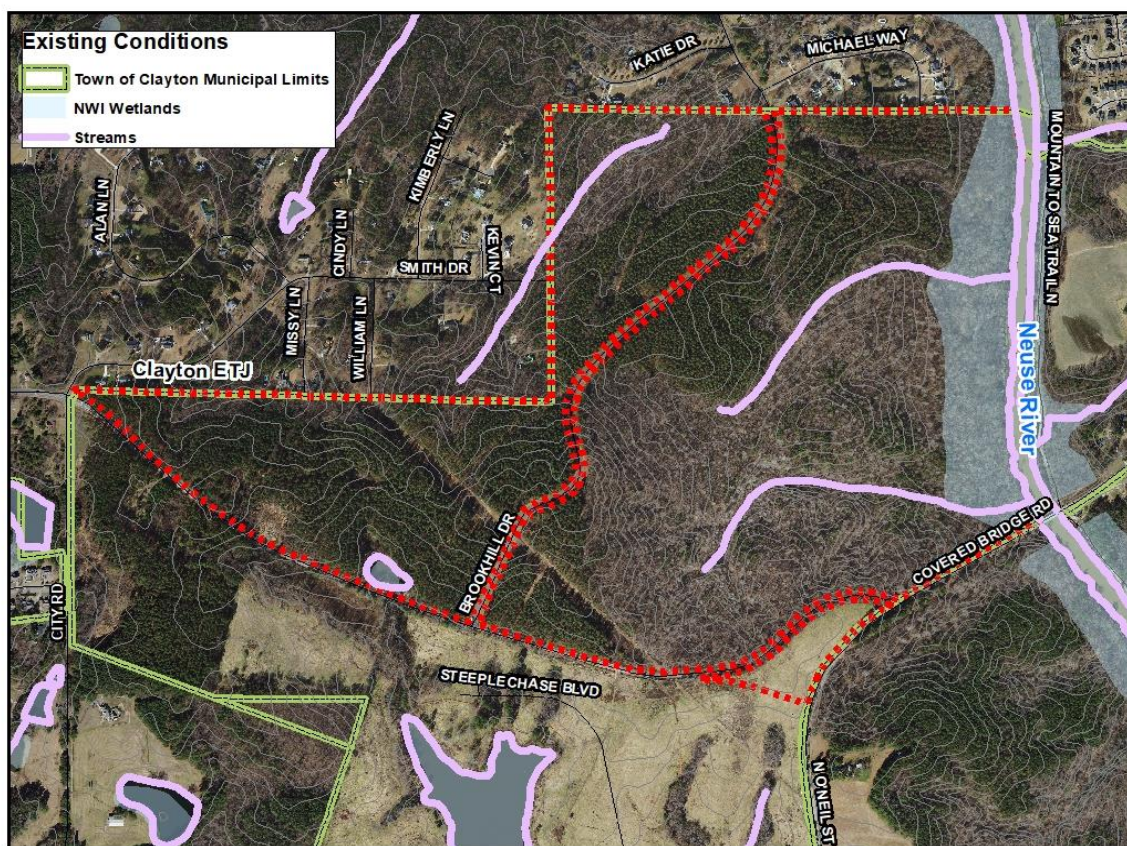
In addition, the rezoning is consistent with the following 2045 Comprehensive Growth Plan goals, policies, and strategies:

- **Goal LU-1:** Preserve Clayton's character while allowing for growth and development in appropriate areas.
- **Strategy LU 1.1.2:** Support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- **Policy LU 1.2:** Encourage developments which incorporate high-quality design and enhance the quality of life for existing and future residents of the Town.
- **Strategy LU 1.2.2:** Encourage high-quality design in residential projects.
 - New developments should contain attractive streets including a planting strip with street trees and sidewalks.
 - New developments should be designed to preserve a significant amount of open space. Open space should be located to preserve significant trees, riparian areas, views, and environmental constraints such as steep slopes, wetlands, and floodplains.
- **Goal LU-3:** Encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- **Strategy LU 3.1.4:** Encourage or require a mix of lot sizes (2+) in some areas (target areas could be HDR, MDR, and LDR areas and associated zoning districts).
- **Strategy LU 3.1.4:** Encourage a range of housing types and styles through the Conditional Zoning process.
- **Policy LU 3.1:** Encourage a range of housing types based on the availability of infrastructure, proximity to services and amenities, and compatibility with existing development as described in the Future Land Use Map.
- **Policy NR 1.1:** Preserve key natural areas while accommodating new development.

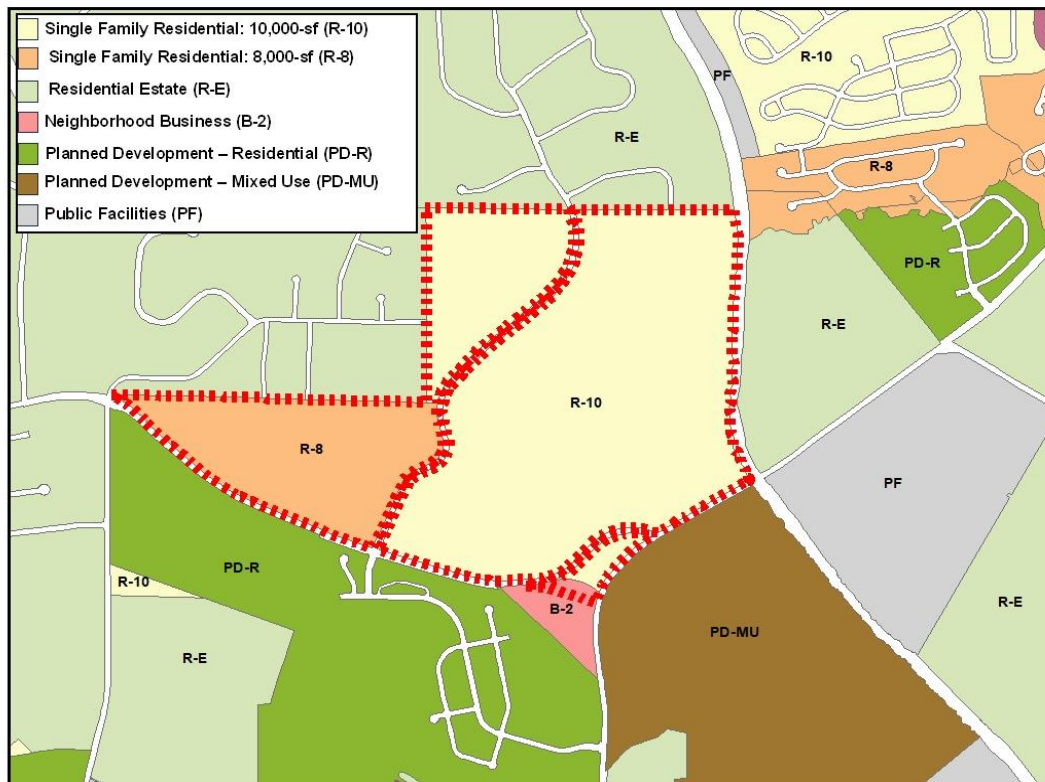
3

Existing Conditions + Zoning

The 362.75+/- acre Carolina Overlook North site is currently undeveloped and predominantly wooded with a stand of healthy mature evergreen and deciduous trees and contains buffered streams and wetland areas. The property fronts Covered Bridge Road and O'Neil Street, is adjacent to the Neuse River to the east, and two existing Johnston County single-family neighborhoods are located to the north/northwest.



The requested rezoning is to Conditional Zoning Residential (CZR) from the current R-8 and R-10 zoning.



As noted in the Unified Development Code, pursuant to GS 160D-703(b) the Town Council may establish conditional districts. These districts provide the opportunity for developments that demonstrate excellence in site design, circulation, use coordination, and compatibility with neighboring properties.

4

Carolina Overlook North Master Plan



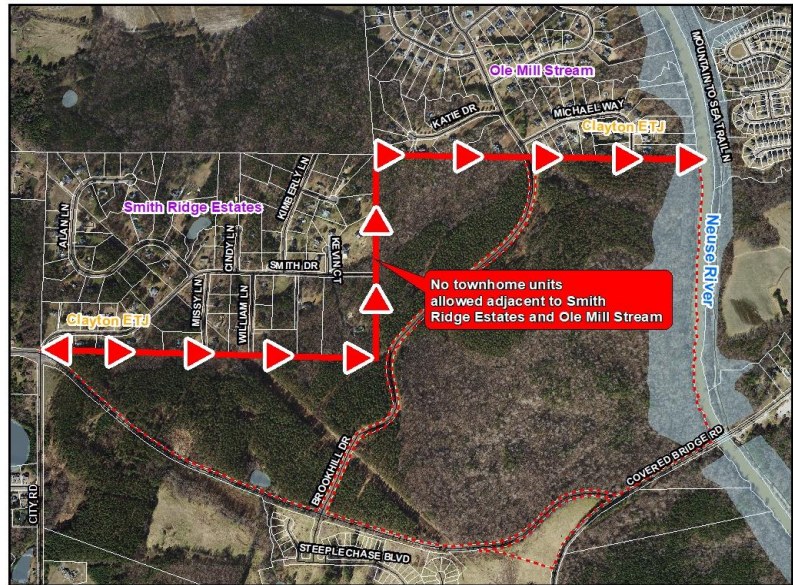
Project Name:	Carolina Overlook North
PIN:	176000-51-7806
Address:	1162 Covered Bridge Rd., Clayton, NC
Existing Zoning:	R8 and R10
Proposed Zoning:	CZ-R
Existing Use:	Vacant
Proposed Use:	Del Webb Residential Community
Total Acreage:	362.75 +/- Acres (15,801,390 SF)
Resource Conservation Area:	70 +/- Acres (3,049,200 SF) = ~ 20 +/- % of Site
Net Acreage:	292 +/- Acres (12,752,190 SF)
Proposed Density:	2.1 DUA maximum density
Total Number of Units:	750 maximum units
Unit Mix:	Single-Family Detached Townhomes (no more than 20% of total units)
Roadway Length:	31,851 Linear Feet
Right-of-Way Area:	31,971 Linear Feet
Minimum Sidewalk Length:	58,000 +/- Linear Feet

5

Site Data + Development Standards

A. Unit Type + Mix

The total number of dwelling units allowed within the Carolina Overlook North neighborhood is 750. No more than 20 percent of the proposed units may be constructed as Townhome units, with the remainder constructed as Single-Family Detached units. As shown on the map, townhome units will not be constructed adjacent to the Smith Ridge Estates and Ole Mill Stream subdivisions located in the Town of Clayton ETJ.



B. Permitted Uses

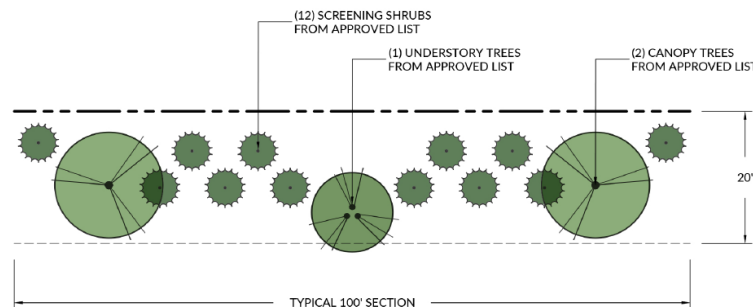
With the approval of the Carolina Overlook North Conditional District, the following uses would be permitted by right: Single Family House, Townhouse, Park, Recreational Facilities, Clubhouse, Parking Lot, Temporary Parking Lot, Food Truck, and associated residential accessory uses. Note that apartments are specifically excluded from the list of permitted uses.

C. Open Space + Amenities

The Carolina Overlook North neighborhood will provide a variety of amenities and open space options for its residents. Active recreational space includes a 13,000 square foot clubhouse (with meeting space and fitness center) and outdoor pool. Other active/improved open space could include walking trails, pocket parks, dog park, and/or a community garden space. Based on the requirement of 1,245 SF per unit, 21.44+/- acres of total open space is required with over 50 acres being provided (14 percent of the overall site acreage).

Open Space	Total Required	Total Proposed
Total Open Space (1,245 sf per unit)	1,245 sf x 750 units = 933,750 SF 21.44 +/- Acres Overall Total	(2,178,000 SF) 50.0 +/- Acres Overall Total
Active Open Space	25% of Required Open Space $21.44 \times .25 = 5.36$ +/- Acres (233,482 SF)	Amenity Center – 4.5 +/- Acres Pocket Parks/Dog Park – 2.0 +/- Acres 6.5 +/- Acres (283,140 SF)
Passive Open Space	75% of Total Open Space $21.44 \times .75 = 16.08$ +/- Acres (700,445 SF)	Perimeter Buffers, Natural Open and Wooded Areas = 43.5 +/- acres (1,894,860 SF)

D. Landscaping



A minimum 20' wide Type C landscape buffer will be provided along all project boundaries of the neighborhood per section 155.402 of the UDC. There will be a planted buffer in areas where there is no existing vegetation or where vegetation is removed or damaged during construction of Carolina Overlook North. All landscaping will be per UDC requirements in place at the time of final approval.

20' Type C Landscape Buffer

E. Lighting

Electric power for Carolina Overlook North will be provided by Duke Energy. A street/site lighting plan will be provided, in compliance with all municipal lighting standards, as part of the Construction Drawing review.

F. Energy Efficient Features

Eco-friendly and energy efficient features will include a minimum of three of the following: Energy efficient home tested and certified by a third party to the Duke Energy Progress HERO standards including blower door testing on all homes; 17 seer gas heat and central air conditioning installed within conditioned space; digital programmable thermostat on each HVAC system; low-E vinyl single hung windows with insulated glass; Grade 1 R-15 fiberglass batt insulation in exterior wall system; R-38 blown fiberglass insulation in all heated ceiling areas; 50 gallon gas water heater; continuous ridge and soffit vents for maximum attic airflow; oriented strand board (OSB) exterior wall sheathing with house-wrap weather protection system installed to provide comfort and energy-efficiency helping to control moisture intrusion; poly seal on windows and doors to prevent water and air intrusion; Advanced Framing Techniques utilizing California Corners, Ladder Blocking and Draft Stopping in unconditioned areas to improve energy efficiency; Subfloor installation properly fastened with upgraded fasteners and glued to joists; water saving toilets.

Equivalent energy-efficient construction material may be substituted for any items noted above.

G. Natural Resources + Environmental Protection

The Comprehensive Growth Plan identifies a portion of the property between Brookhill Drive and the Neuse River as part of the Neuse River Forest Natural Heritage Program Area.

70+/- acres of preserved Resource Conservation Area are shown on the site and depicted on the Master Plan. Per the Clayton Unified Development Code (UDC), the RCA will be permanently protected from development apart from passive recreational uses as defined in the UDC or as otherwise allowed by the Town of Clayton.

The Master Plan shows several proposed vehicular access crossings over the stream to provide movement throughout the site. The crossings will be reviewed and permitted by the appropriate state and federal agencies.

H. Parking

Except where otherwise noted and approved by the Clayton Town Council, parking for all uses included in Carolina Overlook North shall comply with the UDC in effect at the time of this approval.

I. Development Standards + Modifications

The following table summarizes the Lot Standards that will govern the development of the Carolina Overlook North neighborhood.

LOT STANDARD	41' SINGLE FAMILY	51' SINGLE FAMILY	65' SINGLE FAMILY	40' Townhomes
Minimum Lot Size	4,700 SF	6,000 SF	8,000 SF	4,400 SF
Minimum Lot Width	41'	51'	65'	40'
Maximum Impervious	75%	70%	70%	90%
Maximum Building Height	35'	35'	35'	35'
Maximum Building Coverage	2,945 SF	3,895 SF	5,225 SF	3,060 SF
Minimum Garage Setback	21.5'	21.5'	21.5'	25'
Minimum Setback				
Front	15'	15'	15'	15'
Corner	-	11'	11'	11'
Side	5'	5'	5'	5'
Rear	20'	20'	20'	20'

As permitted in Conditional Zoning with Master Plan, the following modifications from the Clayton UDC are proposed:

- Section 155.203, Table 2-3 requires that any single-family detached lot be a minimum of 6,000 sf in size. The Carolina Overlook North neighborhood will include a minimum SF lot size of 4,700 SF.
- Section 155.203, Table 2-3 requires that SF front setbacks be 25 feet. Front-loaded single-family and townhome units will provide a minimum front setback of 15 feet rather than the UDC standard of 25 feet.
- Section 155.203, Table 2-3 requires the minimum garage setback from the back of sidewalk to the garage door on front-loaded units to be 25 feet. Carolina Overlook North will provide a minimum garage setback of 21.5 feet on the 41', 51' and 65' wide lots for consistency with the approved Carolina Overlook South development while preserving availability for rear structural options. All proposed townhome units will meet the 25' minimum setback.
- Section 155.203, Table 2-3 requires a minimum lot area of 4,800 SF for 2-unit townhouse units. Carolina Overlook North will provide a minimum lot area of 4,400 SF for 2-unit townhomes.

- Section 155.301(H)(2.b) requires garage doors for townhomes to not exceed 50% of the individual townhouse unit. Carolina Overlook North requests that this requirement be removed to accommodate garage spaces and façade features.
- Section 155.602(G)(1) requires residential street cul-de-sac serving lots less than 20,000 sf in size be no more than 750 feet in length. Carolina Overlook North requests that this standard be increased to 1,000 feet for a single cul-de-sac located in the southeast portion of the site to the east of the first entrance off Covered Bridge Road. All other cul-de-sac design standards shall be met.

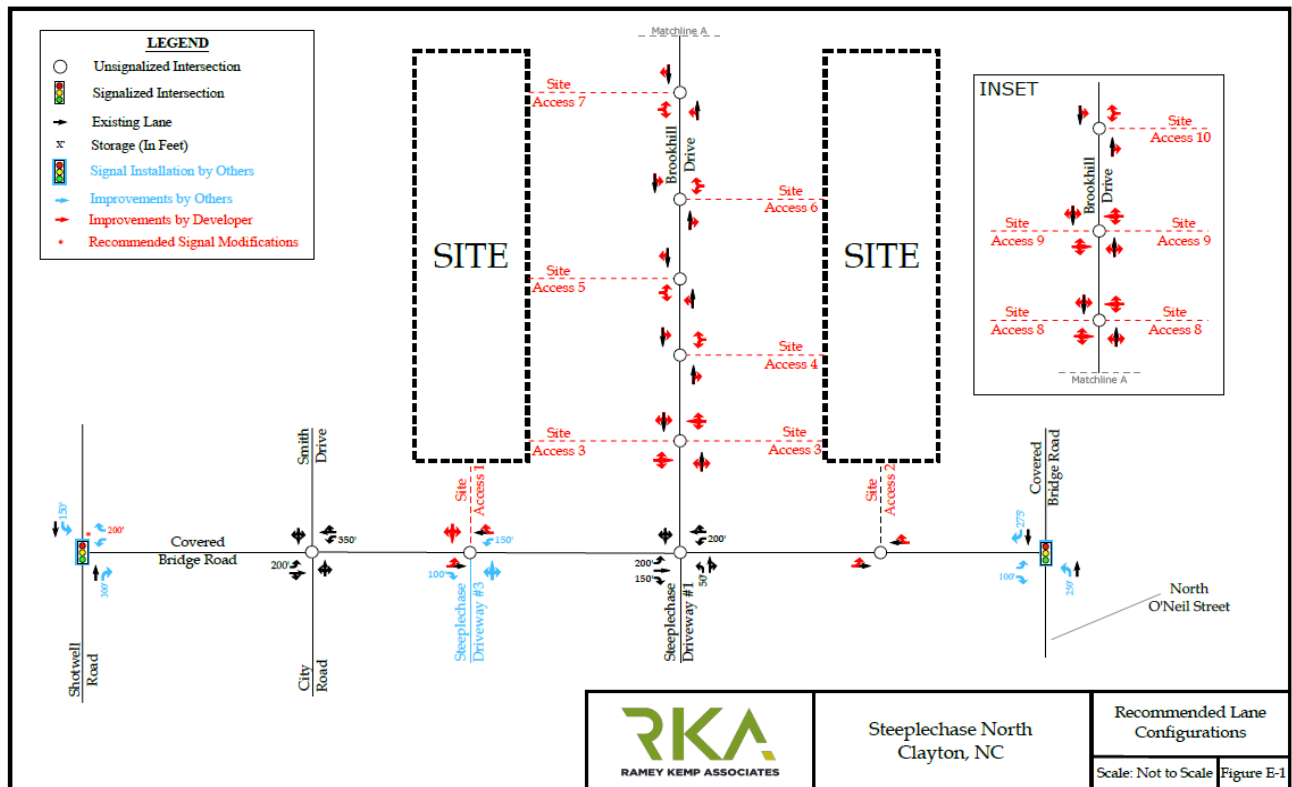
6

Infrastructure + Public Facilities

A. Transportation Impact Analysis

A Transportation Impact Analysis was prepared by Ramey Kemp & Associates in June 2023 for the subject property. The following improvements, as shown in the TIA (included in the Appendix) will be required to support the development of the Carolina Overlook North neighborhood.

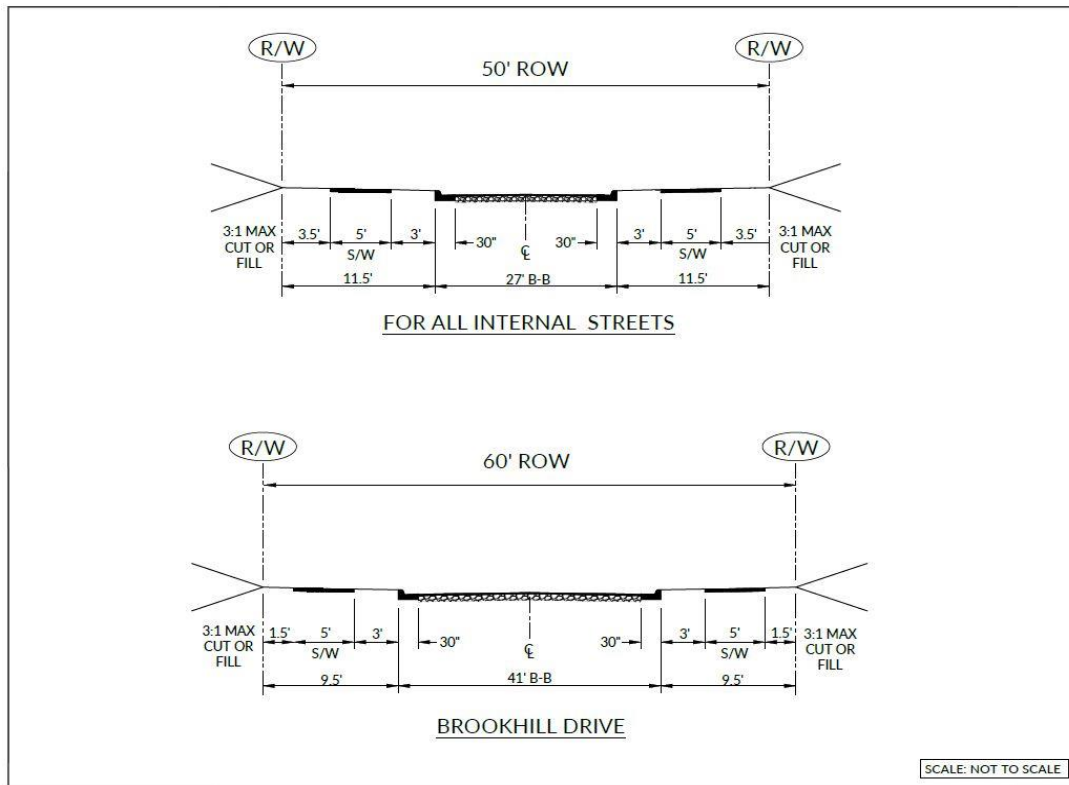
Roadway/Intersection	Recommended Improvements
Covered Bridge & Shotwell Road	- Signal timings modification. - Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
Covered Bridge Road & Site Access #1 /Steeplechase Driveway #3	Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
Covered Bridge Road & Site Access #2	Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
Brookhill Drive & Site Access #3	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #4	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #5	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #6	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #7	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #8	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #9	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #10	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.



B. Streets + Sidewalks + Connectivity

Brookhill Drive will serve as the primary roadway connecting south across Covered Bridge Road to Carolina Overlook and to the north into the Ole Mill Stream neighborhood. Carolina Overlook North features a pedestrian-friendly public street network that will be constructed to meet Town of Clayton and NCDOT standards, as appropriate. Sidewalks will be constructed on both sides of all streets, including cul-de-sacs, providing over 10 miles of off-street walking and biking options.

The Typical Street Cross Sections are depicted on the following page.



Note: Valley curbs may be used along frontage of lots for the subdivision. Standard curbs may be used along all open spaces and sides of lots.

C. Refuse Collection/Recycling

Trash collection within Carolina Overlook North will be provided by municipal waste collection. All trash collection will be at the garage/driveway for each unit and trash/recycling bins will be stored within garages.

D. Fire Protection

The public street network has been designed to accommodate Town of Clayton fire apparatus vehicles. All units will be accessed from a public street designed to meet Town standards.

E. Stormwater Management

The proposed development is located within the Neuse River Basin and will require stormwater management measures for quality and quantity control in accordance with the Town of Clayton Stormwater Design Manual and the Stormwater Management Ordinance in effect at the time of approval, as outlined in Section 158 of the Clayton UDO. A network of underground piping will convey storm drainage from impervious areas to the proposed Stormwater Control Measures. The number, location, and adequate sizing for these devices will be verified during final site design. All SCMs will be required to meet North Carolina Department of Environmental Quality and Town of Clayton design requirements at the time of site construction drawing submittal.

F. Water + Sewer

Per discussions with staff, the Town has adequate capacity to provide water to the development. All water and sewer lines will be designed to meet Town of Clayton Standards and Specifications. A public waterline currently exists along the frontage of the site and wastewater allocation request has been filed in conjunction with the Conditional Zoning/Master Plan submittal which shows a total score of 55 points. Additionally, a downstream sewer analysis is currently being conducted. Utility easements will be procured through the Ashcroft Section 2 site to access the Town's new Neuse River Water Reclamation Facility.

7

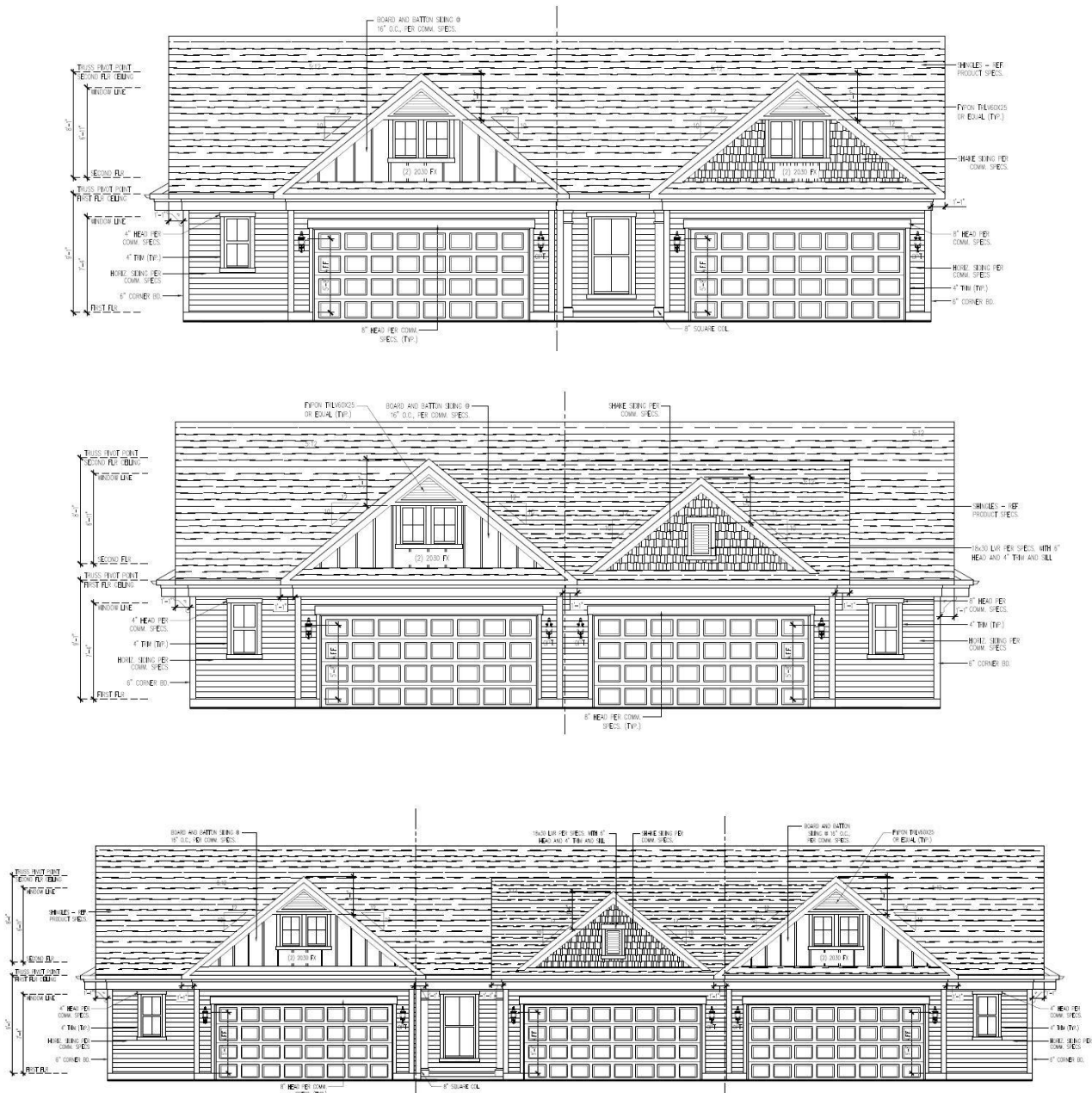
Del Webb Product – Typical Building Elevations

(All single family elevations are for illustrative purposes only)



Del Webb Product – Typical Building Elevations

(All townhome elevations are for illustrative purposes only)



8

Conditional Zoning Approval Criteria

Per the Town of Clayton Conditional Zoning with Master Plan Application the following Approval Criteria must be addressed:

1. Consistency with the adopted plans of the Town.

The request to rezone the subject parcel from R-8 and R-10 to CZ-R is consistent with the Future Land Use Map and many of the goals, strategies and policies of the 2045 Comprehensive Growth Plan.

- **Goal LU-1:** Preserve Clayton's character while allowing for growth and development in appropriate areas.
- **Strategy LU 1.1.2:** Support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- **Policy LU 1.2:** Encourage developments which incorporate high-quality design and enhance the quality of life for existing and future residents of the Town.
- **Strategy LU 1.2.2:** Encourage high-quality design in residential projects.
 - New developments should contain attractive streets including a planting strip with street trees and sidewalks.
 - New developments should be designed to preserve a significant amount of open space. Open space should be located to preserve significant trees, riparian areas, views, and environmental constraints such as steep slopes, wetlands, and floodplains.
- **Goal LU-3:** Encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- **Strategy LU 3.1.4:** Encourage or require a mix of lot sizes (2+) in some areas (target areas could be HDR, MDR, and LDR areas and associated zoning districts).
- **Strategy LU 3.1.4:** Encourage a range of housing types and styles through the Conditional Zoning process.
- **Policy LU 3.1:** Encourage a range of housing types based on the availability of infrastructure, proximity to services and amenities, and compatibility with existing development as described in the Future Land Use Map.
- **Policy NR 1.1:** Preserve key natural areas while accommodating new development.

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

The subject site is located within close proximity to two Planned Developments (Carolina Overlook and Ashcroft Section 2) and is immediately adjacent to two existing, Johnston County, single-family neighborhoods. The conditional rezoning will allow for a variety of residential home styles and lot sizes at a density in keeping with the the Town's Future Land Use Map. All subsequent submittals, including Site Plan and Construction Drawings, will be designed in accordance with the UDC unless specifically stated otherwise in the Master Plan and conditions of approval.

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

The proposed rezoning and associated Master Plan will allow the site to developed in a comprehensive manner in accordance with the the Town's Comprehensive Growth Plan and associated Future Land Use Map. The rezoning will allow the development of additional residential uses to provide housing type choices and multiple lot sizes. Apartments are specifically excluded from this rezoning request.

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

Adequate public facilities, including schools, roads/streets, recreation facilities, wastewater treatment facilities, water supply, and stormwater facilities are all either existing or will be improved to meet the needs of the proposed residential neighborhood.

Schools – While at least 80 percent of the homes in the Carolina Overlook North neighborhood will be restricted to those 55+ in age; 20 percent of the homes (no more than 150 homes) could be occupied by individuals less than 55+ in age that could have school age children.

The property would be served by the Johnston County School System. According to the Johnston County Public Schools website, this community is in the attendance area for Cooper Academy, Riverwood Middle School, and Clayton High School. Cooper Academy and Clayton High School are on the JCPS Capped List for 2023-2024.

Roads – A Traffic Impact Analysis was prepared by Ramey Kemp & Associates and is attached as an Appendix to this document. There will be three main points of access off of Covered Bridge Road into the site. The main access will be at Covered Bridge Road and Brookhill Drive. Connection points are shown at Michael Way, and Brookhill Drive.

The street network will consist of public streets in accordance with the Town of Clayton typical cross sections. Transportation improvements recommended by the TIA will be incorporated into the Master Plan and constructed at the appropriate phase in development.

Recreational Facilities – The Carolina Overlook North neighborhood and associated conditional rezoning, meets all UDC requirements for recreation and open space. The neighborhood amenities include a clubhouse (with meeting rooms and fitness facility), an outdoor pool, pocket parks, dog park, community garden and walking trails. Recreation fees, on a per unit basis, will be paid as required in the Comprehensive List of Fees and Charges.

Stormwater Management – The property is within the Neuse River Basin and is subject to Neuse River Basin nutrient requirements as well as Town of Clayton UDC and Stormwater Design Manual provisions.

Water and Sewer – Per discussions with staff, the Town has adequate capacity to provide water to the development. A wastewater allocation request has been filed in conjunction with the Conditional Zoning/Master Plan submittal and shows a total score of 55 points. Utility easements will be procured through the Ashcroft Section 2 site to access the Town's new Neuse River Water Reclamation Facility.

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

The legal purposes for which zoning exists have not been violated. This application for a proposed conditional rezoning is in compliance with the Town's conditional zoning regulations as noted in the UDC.

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.

As the proposed rezoning and resultant development must meet Town of Clayton requirements for approval (traffic, infrastructure, UDC, etc.) there should be no adverse impact to adjoining property owners.

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 public.

No one property owner or small group of property owners will benefit materially from the zoning change or development of the property.

9

Master Plan Approval Criteria

1. Compliance with code section 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter.

The proposed master plan is in accordance with UDC sections 155.203(L) and 155.705. The proposed development standards and design guidelines are appropriate for the residential uses permitted in the CZ-R district and are compatible existing land uses. Except as noted as a modification, the master plan and conditional rezoning request comply with all standards specified in UDC Section 155.400 through 155.405.

2. Consistency with Clayton General Design Guidelines.

The proposed master plan is consistent with the Town's adopted General Design guidelines. The plan has been thoughtfully designed to minimize impacts to existing environmental resources, provides appropriate vehicular and pedestrian connectivity; and provides multiple elevations and committed architectural standards as a zoning conditions.

3. Conformance of the proposal with the stated purpose of the requested conditional zoning district.

The allowed residential uses within the Carolina Overlook North Conditional Zoning include single family detached, and townhouse products at an overall density of just over 2.1 units per acre which is consistent with the FLUM designations. The neighborhood provides a variety of recreational amenities including a pool and clubhouse, multiple pocket parks, and vehicular and pedestrian connectivity throughout the neighborhood and across Covered Bridge Road to the first Del Webb community. The zoning conditions and architectural standards will provide for a thoughtfully designed community.

4. Compatibility of the proposed development with the adjacent community.

The proposed neighborhood is both complimentary to and compatible with the adjacent community. The site is located across Covered Bridge Road from the original Carolina Overlook community, is across O'Neil Street from Ashcroft Section 2 (a previously approved Planned Development District neighborhood) and is adjacent to two existing Johnston County single family neighborhoods to the north.

5. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out.

Carolina Overlook North has been thoughtfully designed to minimize impacts to the natural environment, preserves approximately 70 acres (nearly 20 percent of the site) as RCA, and continues the high-quality design and exceptional amenities approved in the initial Carolina Overlook neighborhood. The associated design guidelines and architectural standards will ensure a unified, cohesive neighborhood.

6. Compatible relationships between each component of the overall project.

Through creative and environmentally sensitive land planning, the proposed master plan preserves nearly 20 percent of the site RCA while also providing a thoughtful neighborhood layout.

7. Self-sufficiency of each phase of the overall project.

The master plan is designed to ensure appropriate infrastructure improvements are completed at each phase of the project. The applicant commits to begin construction of the clubhouse and pool prior to receipt of the Certificate of Occupancy for the 375th unit/lot.

8. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems.

The required TIA recommended multiple improvements, all of which are included in the associated master plan. A wastewater allocation request has been submitted that exceeds the minimum number of required points with a total score of 55 points.

9. The fiscal impact of the proposal and the proposed financing of required improvements.

The proposed development will yield an estimated \$70 million infrastructure investment in the Town of Clayton. In addition, the development will pay required System Development and Recreation fees.

10. The success of the proposal in providing adequate pedestrian and bicycle links within the development and the adjacent community.

Sidewalks will be constructed on both sides of all streets, aside from cul-de-sacs, providing over 10 miles of off-street walking and biking options. Brookhill Drive will serve as the main roadway through the site connecting Ole Mill Stream to the north and the original Del Webb community across Covered Bridge Road providing enhanced connectivity and recreational opportunities for the residents of Carolina Overlook North. Furthermore, a high visibility crosswalk will be provided at the intersection of Brookhill Drive and Covered Bridge Road to allow pedestrians to connect to the southern portion of Carolina Overlook.

11. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

The Carolina Overlook North neighborhood has been thoughtfully designed and density has been limited to preserve approximately 70 acres of RCA.

10

Zoning Conditions

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire Standards, except where specifically modified by the approved Master Plan.
3. Permitted uses shall be limited to single-family detached, townhouse, park, parking lot, temporary parking lot, food truck and associated residential accessory uses.
4. No more than 20 percent of the residential units may be constructed as Townhome units.
5. No townhome units are allowed adjacent to the existing residential subdivision/Clayton ETJ boundary to the north and northwest of the site.
6. Apartments are specifically excluded from the list of permitted uses.
7. Each SF detached unit shall provide either two (2) or three (3) car garage spaces and two (2) driveway parking spaces. Each SF attached unit shall provide a minimum of one garage space and one driveway space.
8. The HOA shall maintain all areas of common open space including landscape medians at entrances and perimeter buffers.
9. At least 80 percent of the occupied dwellings in the community must be occupied by at least one occupant who is 55 years of age or older in accordance with the Housing for Older People Act (HOPA).
10. The following standards will apply to the development:
 - a. Maximum number of dwelling units will not exceed 750.
 - b. Maximum density: 2.1 units per acre.
 - c. Density may be modified so long as the maximum dwelling units per acre remains consistent with the approved TIA.
 - d. Minimum lot size: 4,400 SF (2-Unit Townhomes)
 - e. Minimum lot size: 4,700 SF (Single Family Detached)
 - f. Front loaded single family detached units will provide a minimum garage setback of 21.5 feet.
 - g. Townhome units will provide a minimum garage setback of 25 feet.
 - h. All minimum dimensional standards as specified in the Master Plan.

11. The development will include the following active amenity areas:
 - a. Community Clubhouse/Meeting Space with Fitness Facility
 - b. Outdoor Pool
 - c. Walking Trails
 - d. Fenced Dog Park
 - e. Pocket Parks
 - f. Community Garden
12. The Town of Clayton Planning Director may administratively waive the required connections to Smith Drive, Missy Lane, and William Lane due to the private status of these roadways in the Clayton ETJ.
13. Construction of the proposed clubhouse amenity and pool prior to receipt of the Certificate of Occupancy for the 375th unit/lot.
14. The widening of Brookhill Drive shall be completed by the 50th Certificate of Occupancy.
15. Active open space plans are to be submitted and reviewed separately from Construction Drawings/Site Plan.
16. Eco-friendly and energy efficient features will include three of the following: Energy efficient home tested and certified by a third party to the Duke Energy Progress HERO standards including blower door testing on all homes, 17 seer gas heat and central air conditioning installed within conditioned space, digital programmable thermostat on each HVAC system, low-E vinyl single hung windows with insulated glass, Grade 1 R-15 fiberglass batt insulation in exterior wall systems, R-38 blown fiberglass insulation in all heated ceiling areas, 50 gallon gas water heater, continuous ridge and soffit vents for maximum attic airflow, oriented strand board (OSB) exterior wall sheathing with housewrap weather protection system installed to provide comfort and energy-efficiency helping to control moisture intrusion, poly seal on windows and doors to prevent water and air intrusion, Advanced Framing Techniques utilizing California Corners, Ladder Blocking and Draft Stopping in unconditioned areas to improve energy efficiency, Subfloor installation properly fastened with upgraded fasteners and glued to joists, water saving toilets.

Equivalent energy-efficient construction material may be substituted for any items noted above.

17. HVAC units will be screened on the side fronting a public street with the use of evergreen shrubs. On corner lots, shrubbery will be added to screen the front and side of HVAC units.

18. TIA Requirements

Roadway/Intersection	Recommended Improvements
Covered Bridge & Shotwell Road	- Signal timings modification. - Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
Covered Bridge Road & Site Access #1 /Steeplechase Driveway #3	Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
Covered Bridge Road & Site Access #2	Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
Brookhill Drive & Site Access #3	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #4	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #5	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #6	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #7	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #8	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #9	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #10	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

19. A 30 foot undisturbed buffer will be provided along the northern boundary that abuts the Olde Mill Stream Subdivision. The undisturbed buffer will be supplemented where necessary to provide a Type C buffer.

20. The project will exceed the allowable cul-de-sac length in three (3) locations; but shall not exceed 1200 feet in length, including a branching stem. Appendix D, Section D103, of the adopted North Carolina State Fire Code allows cul-de-sacs to exceed 750 feet with approval. The excess length is due to environmental, topographic, and easement constraints. The extension of the cul-de-sac length will minimize stream crossings and environmental impacts.

Architectural Standards

- Units will be a mixture of one-story, one and one-half stories, and two-story with a variety of elevations. Units of the same elevation shall not be side by side. Exterior color schemes will not be repeated side by side.
- Townhome units shall be limited to no more than three attached units.

3. All homes will have a combination of two or more of the following materials on the front façade: stone, brick, lap siding, fiber cement siding, shakes or board and batten. Vinyl may be used for soffits, fascia, and corner boards.
4. Vinyl siding will not be used on front, side, or rear facades with the exception of trim such as soffits, fascia, and corner boards.
5. A minimum of fifty percent of all residential units shall have a covered front porch or stoop.
6. Architectural style shingles to used.
7. Rear concrete pad/patio will be provided on a minimum of fifty percent of all residential units.
8. To accommodate larger garage spaces and façade features, garage doors may constitute more than 50% of the width of the proposed townhomes.

MASTER PLANS FOR

CAROLINA OVERLOOK - NORTH

TOWN OF CLAYTON, NORTH CAROLINA

FEBRUARY 09, 2024

SITE DATA TABLE

NAME OF PROJECT:	CAROLINA OVERLOOK NORTH
TOWN:	TOWN OF CLAYTON
TOWN PROJECT NO.:	2023-115-CZM
PARCEL PIN NO.:	176000-51-7806
SITE ADDRESS:	COVERED BRIDGE ROAD & BROOKHILL DRIVE, CLAYTON, JOHNSTON COUNTY, NC
PROPERTY OWNER:	RAYMOND ELMORE EARP, JR FAMILY TRUST NANCY CREW TRUSTEE & WORLEY, MARY EARP
OWNER ADDRESS:	1109 SUMTER COURT, SALISBURY, NC 28144
TOTAL SITE ACREAGE:	+/- 362.75 AC / 15,801,390 SF
RCA:	+/- 70 AC / 3,049,200 SF
NET:	+/- 292.75 AC / 12,752,190 SF
WATERSHED:	NEUSE RIVER
EXISTING ZONING & LAND USE:	R-8 & R-10 / VACANT
PROPOSED USE:	SINGLE FAMILY DETACHED, TOWNHOMES
PROPOSED DENSITY (UNITS/ACRE):	+/- 2.1 DU/AC (750 LOTS / 362.75 AC)
PROPOSED NUMBER OF UNITS:	750 MAX
ATTACHED PRODUCT:	20% MAX
WATER (PUBLIC):	TOWN OF CLAYTON, EAST WATER SYSTEM
SEWER (PUBLIC):	TOWN OF CLAYTON
ELECTRIC:	DUKE ENERGY
MAX BUILDING HEIGHT:	TWO (2) STORY, HEIGHT 35 FT
REQUIRED OPEN SPACE	
PASSIVE:	+/- 16.08 AC / 700,445 SF
IMPROVED:	+/- 5.36 AC / 233,482 SF
PROPOSED OPEN SPACE	
PASSIVE:	+/- 43.5 AC / 1,894,860 SF
IMPROVED:	+/- 6.5 AC / 283,140 SF
STREETS:	29,000 LF
ROW:	29,000 LF / 33 AC
SIDEWALKS:	58,000 LF



SHEET INDEX

Sheet Number	Sheet Title
C0.00	COVER
C2.00	OVERALL MASTER PLAN
C3.00	OPEN SPACE PLAN
C4.00	TYPICAL ROADWAY SECTIONS & TIA RD IMPROVEMENTS
A1.00	ARCHITECTURAL ELEVATIONS

CONTACT LIST:

Project Manager
Colleen Duryea, P.E.
WithersRavenel
115 MacKenan Drive
Cary, NC 27511
919-469-3340
cduryea@withersravenel.com



PRELIMINARY
NOT APPROVED
FOR CONSTRUCTION



115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

PREPARED BY:

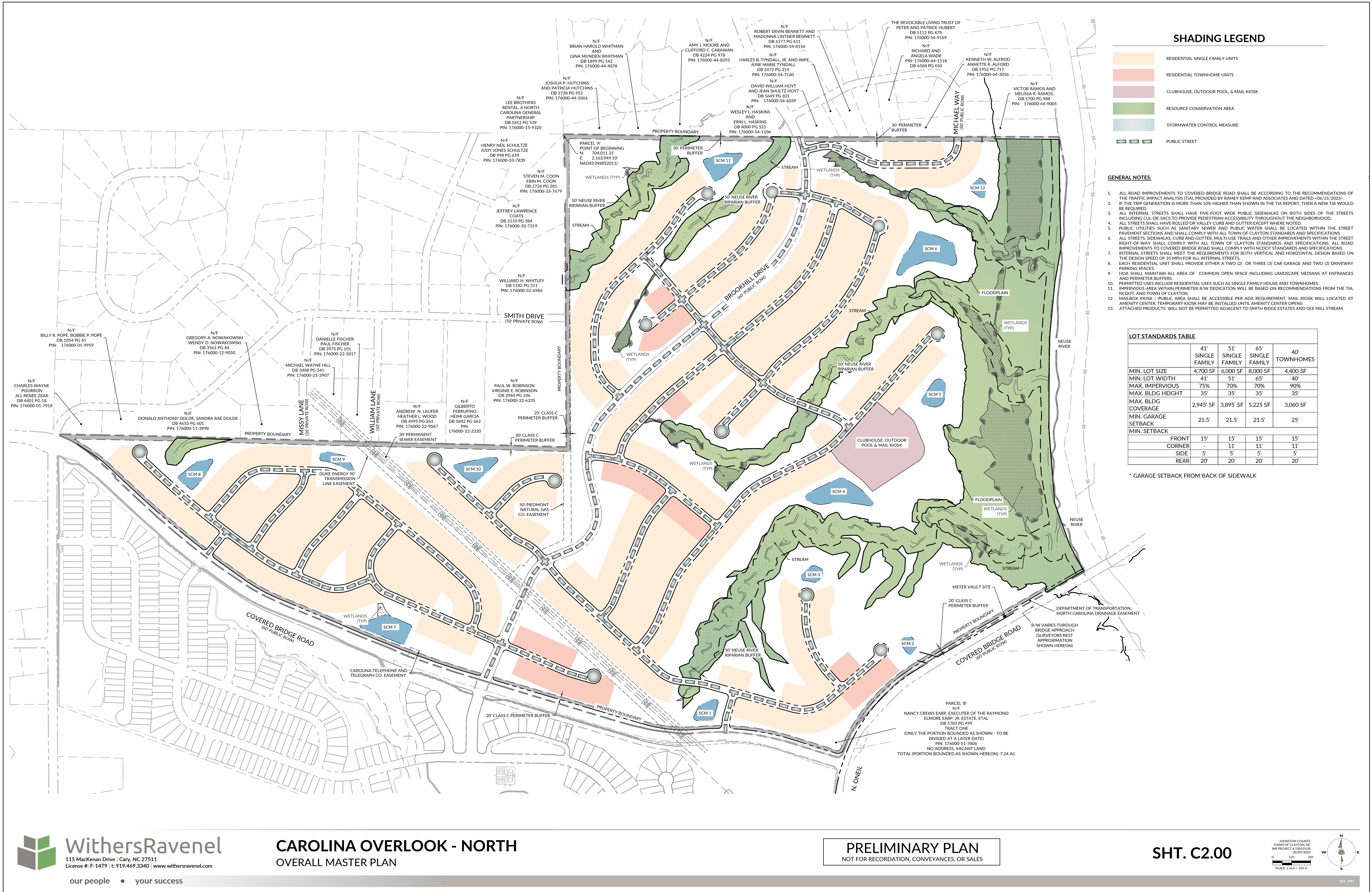
DEVELOPER:
**PULTE HOME
CORPORATION, LLC.**

1225 CRESENT DRIVE, SUITE 250
CARY, NC 27518
PHONE #: (919) 816-1155
ATTENTION: CHRIS RAUGHLEY



MASTER PLANS FOR
CAROLINA OVERLOOK - NORTH
WP PROJECT NO:200325-00
JOHNSTON COUNTY
TOWN OF CLAYTON, NC
FEBRUARY 09, 2024





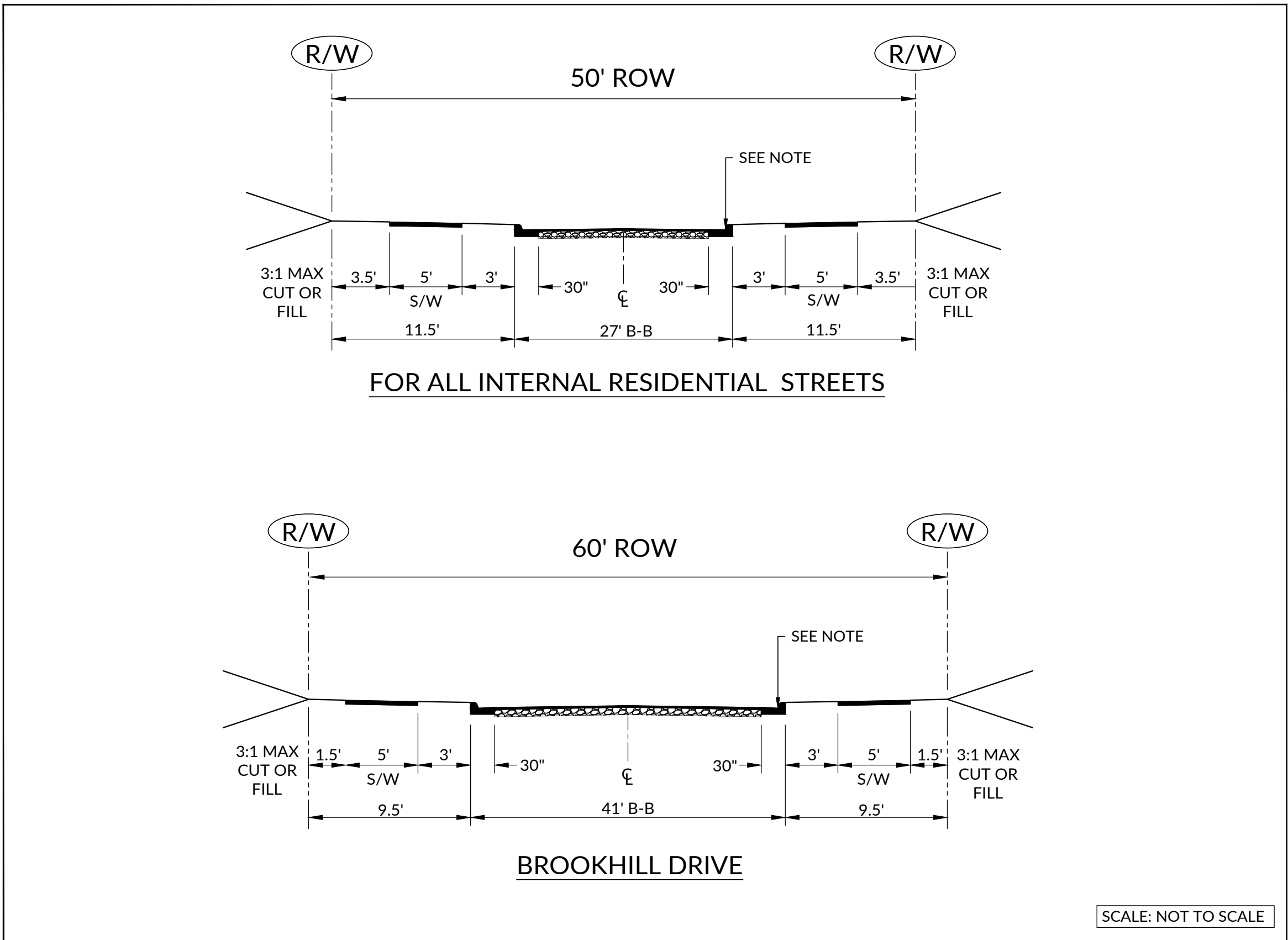
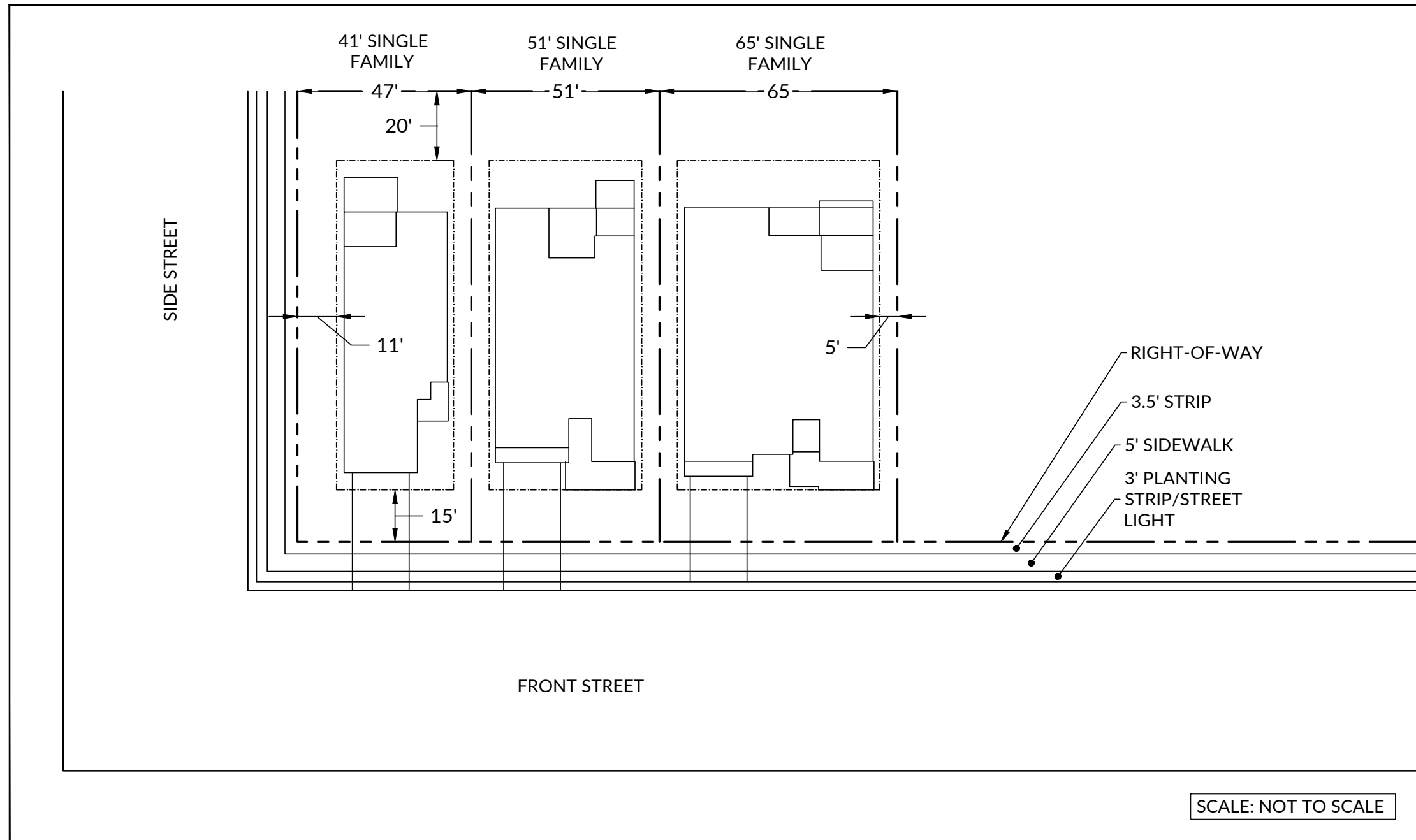
OPEN SPACE	TOTAL REQUIRED	TOTAL PROPOSED
TOTAL OPEN SPACE (1,245 SF PER UNIT)	1,245 SF X 750 UNITS = 933,750 SF +/- 21.44 AC	+/- 50.0 AC
Improved Open Space	25% of Required Open Space 21.44 x .25 = +/- 5.36 AC (233,482 SF)	Amenity Center - +/- 4.5 AC Pocket Parks/Dog Park +/- 2.0 AC +/- 6.5 AC (283,140 SF)
Passive Open Space	75% of Required Open Space 21.44 x .75 = +/- 16.08 AC (700,445 SF)	Perimeter Buffers, Natural Open and Wood Areas +/- 43.5 AC (1,894,860 SF)



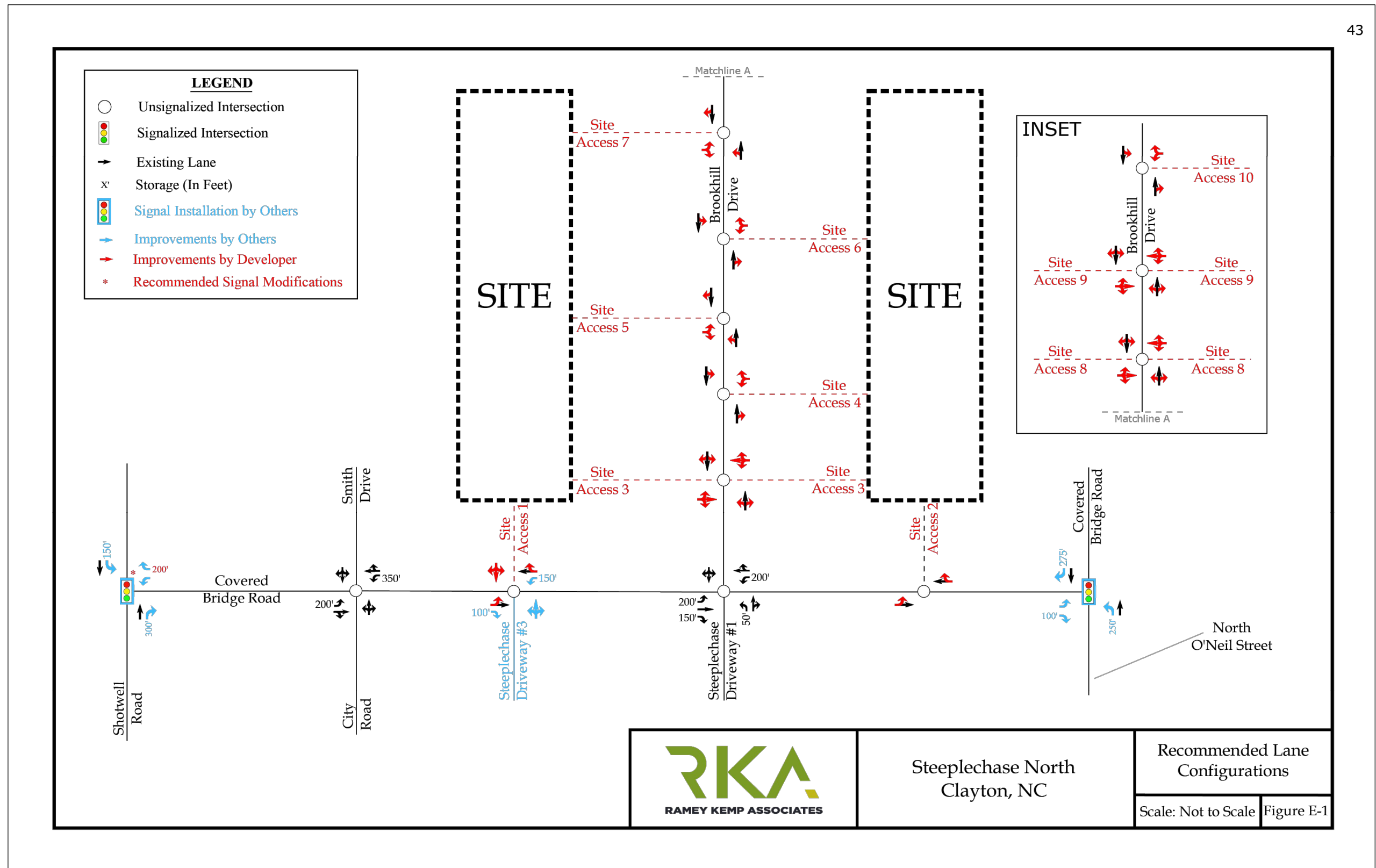
SHADING LEGEND

- RESOURCE CONSERVATION AREA
- GENERAL PASSIVE OPEN SPACE
- IMPROVED OPEN SPACE
- CLUBHOUSE, OUTDOOR POOL, & MAIL KIOSK
- PERIMETER BUFFER
- STORMWATER CONTROL MEASURE
- PUBLIC STREET

- NOTES:**
- ALL RESOURCE CONSERVATION AREAS SHALL REMAIN UNDISTURBED PER THE REQUIREMENTS OF ARTICLE 5 OF THE UNIFIED DEVELOPMENT ORDINANCE.
 - ALL AREAS THAT WILL BE PRESERVED SHALL BE DELINEATED BY ORANGE TEMPORARY FENCING DURING GRADING AND CONSTRUCTION.
 - ALL OPEN SPACE AREAS AND THE AMENITY CENTER SHALL BE SUBMITTED AS MINOR SITE PLANS.
 - ALL RECREATION AND OPEN SPACE SHALL BE MAINTAINED BY THE HOA.
 - ACTIVE OPEN SPACE AMENITIES TO INCLUDE A COMMUNITY CLUBHOUSE WITH MEETING SPACE AND FITNESS FACILITY OUTDOOR POOL, WALKING TRAILS, FENCED DOG PARK, POCKET PARKS, AND A COMMUNITY GARDEN.



NOTE:
1. VALLEY, ROLLED, OR FLAT FACED CURB MAY BE USED ALONG FRONTAGE OF LOTS FOR THE SUBDIVISION. STANDARD CURB MAY BE USED ALONG ALL OPEN SPACES AND SIDES OF LOTS.



PEDESTRIAN AND VEHICULAR CIRCULATION INTENT AND COMPLIANCE:
INTENT:
1. A VARIETY OF STREET TYPES ARE PROVIDED TO BE ACCESSIBLE TO PEDESTRIANS, BICYCLISTS AND AUTOMOBILES. THE STREET NETWORK ENCOURAGES WALKING AND BIKING, THUS REDUCING THE NUMBER OF AUTOMOBILE TRIPS.
2. PEDESTRIAN AND BICYCLE CONNECTION ARE PROVIDED WITHIN THE NEIGHBORHOOD TO PROVIDE ACCESS TO GREENWAYS, NATURAL FEATURES AND TO SURROUNDING NEIGHBORHOODS.



1. UNITS WILL BE A MIXTURE OF ONE-STORY, ONE AND ONE-HALF STORIES, AND TWO STORIES WITH A VARIETY OF ELEVATIONS. UNITS OF THE SAME ELEVATION SHALL NOT BE SIDE BY SIDE. EXTERIOR COLOR SCHEMES WILL NOT BE REPEATED SIDE BY SIDE.
2. ALL HOMES WILL HAVE A COMBINATION OF TWO OR MORE OF THE FOLLOWING MATERIALS ON THE FRONT FACADE: STONE, BRICK, LAP SIDING, FIBER CEMENT SIDING, SHAKES OR BOARD AND BATTEN VINYL MAY BE USED FOR SOFFITS, FACIA, AND CORNER BOARDS.
3. VINYL SIDING WILL NOT BE USED ON FRONT, SIDE, OR REAR FACADES WITH THE EXCEPTION OF SUCH AS SOFFITS, FACIA, AND CORNER BOARDS.
4. A MINIMUM OF FIFTY PERCENT OF ALL RESIDENTIAL UNITS SHALL HAVE A COVERED FRONT PORCH OR STOOP.
5. ARCHITECTURAL STYLE SHINGLES TO BE USED.
6. REAR CONCRETE PAD/PATIO WILL BE PROVIDED ON A MINIMUM OF FIFTY PERCENT OF ALL RESIDENTIAL UNITS.
7. TO ACCOMMODATE LARGE GARAGE SPACES AND FACADE FEATURES, GARAGE DOORS MAY CONSTITUTE MORE THAN 50% OF THE WIDTH OF THE PROPOSED TOWNHOMES.

COLTON FRONT ELEVATION *1*
SCALE 1/4" = 1'-0"

COLTON FRONT ELEVATION *1*
SCALE 1/4" = 1'-0"

Architectural drawing of the Colton Front Elevation, showing a symmetrical two-story house with a central entrance and two large garage doors. The drawing includes detailed dimensions and material specifications.

Dimensions:

- Overall Height: 20'-0"
- Overall Width: 36'-0"
- Garage Door Height: 8'-0"
- Garage Door Width: 12'-0"
- Central Window Height: 6'-0"
- Central Window Width: 4'-0"
- Roof Pitch: 12/12

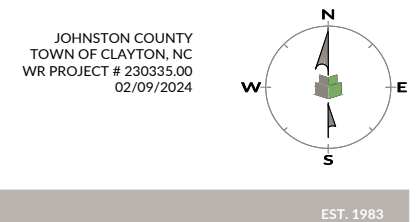
Material Specifications:

- SHINGLE: REF. PRODUCT SPEC.
- SHAKE: SENG PER CONA. SPEC.
- WOOD: REF. PRODUCT SPEC.
- IRON TRUSSESS OR EQUAL (TYP.)
- 8" HEAD PER CONA. SPEC.
- 4" DIA (TYP.)
- 8" SQUARE COL.



PRELIMINARY PLAN
NOT FOR RECORDATION, CONVEYANCES, OR SALES

SHT. A1.00





November 2, 2023

Dear Clayton Area Property Owner,

This letter serves as an invitation to a meeting regarding a rezoning request filed with the Town of Clayton for the property at 1162 Covered Bridge Road, which is adjacent to or in close proximity to your property.

Meeting Date: November 14, 2023

Meeting Time: 6:00 p.m.

Meeting Location: The Clayton Center - 111 E 2nd St, Clayton, NC 27520

Type of Application: Conditional Zoning

Project/proposal property address: 1162 Covered Bridge Road

Description of project/proposal: Carolina Overlook North is a proposed active adult community with a maximum of 750 residential units located on the vacant 357-acre parcel at 1162 Covered Bridge Road.

The proposed zoning of the subject property is CZ-R from the R-8 and R-10 existing zoning which is consistent with the FLUM designation of LDR and MDR.

The Carolina Overlook North neighborhood would provide a variety of amenities and open space as outlined in the Conditional Zoning Master Plan Narrative.

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 919-469-3340. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

WithersRavenel

Brendie Vega

Entitlements Manager

Cc: Town of Clayton Planning Department

115 MacKenan Drive | Cary, NC 27511
t: 919.469.3340 | f: 919.467.6008 | www.withersravenel.com | License No. F-1479
Asheville | Cary | Charlotte | Greensboro | Pittsboro | Raleigh | Southern Pines | Wilmington



*** DISCLAIMER ***

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



Scale: 1:16937 - 1 in. = 1411.38 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
October 19, 2023

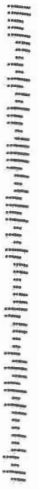
WithersRavenel
115 MacKenan Drive
Cary, NC 27511



RALEIGH NC 275
Research Triangle Region
4 NOV 2023 PM 3 L

Town of Clayton
Planning Department
P.O. Box 879
Clayton, NC 27528

27528-087979



	TOWN OF CLAYTON POLICY	
	Department: Public Services	Effective: January 21, 2020
Policy Title: Water & Wastewater Allocation Policy Version #02 (V.02)	Supersedes: TC Action 2010-026	
	Prepared By: Richard D. Cappola Jr., PE Public Services Director	
	Approved By: Town Council Date: January 21, 2020	

I. Purpose

The Town of Clayton has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacities are among the most important elements of this infrastructure. The intent of this policy is to provide for the judicious allocation of these resources in conformity with adopted goals and priorities in an effort to shape the community consistent with the articulated vision to become the "Premier Community for Active Families." This policy is intended to manage the remaining capacity available until additional capacity is developed through construction of a new Water Reclamation Facility, and should be reviewed periodically to ensure it is achieving the intended purpose.

II. Scope

The Town Council for the Town of Clayton has adopted the Comprehensive Plan 2040 which is a useful tool to successfully evaluate applications for allocation of public resources so that the character of the community shall be consistent with its vision, values, and plans. In accordance with the "Town of Clayton Strategic Growth Plan", utility allocation reservations should support and maximize the concept of increasing the Town's property tax based revenues by the expansion and improvement of higher valued land use development, emphasizing a balance of Residential, commercial, and industrial uses.

III. Policy

The Town of Clayton seeks to grant utility allocations such that the existing character of the Town's utility customer base does not become more residential than is practical to achieve the intent of the Strategic Growth Plan, and seeks to increase the diversity of the customer base by increasing the percentage of resources devoted to industrial, commercial, and mixed use development.

The total amount of available capacity and each incremental increase in capacity should generally be allocated based on the following parameters:

- No more than fifty percent (50%) of the total available capacity may be allocated to projects that include solely residential development.
- At least thirty percent (30%) of the total available capacity shall be reserved for allocation to commercial/industrial projects.
- Projects encompassing mixed use (residential and commercial) elements may be considered for allocation even if such an allocation will exceed the limit established above for residential use.
Note: These percentages may be reviewed and adjusted by the Town Council at their discretion.

Due to weather related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The Town of Clayton shall track allocation reservations granted and the amount of capacity available. Such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.

The following hierarchy shall apply to evaluation of utility allocation requests:

- Commercial properties with quality development projects
- Development projects with a mixed-use element
- Industrial projects and other major employer entities
- Additional phases attached to residential projects with a proven record of quality product and economic success
- Residential projects that include tangible, high quality community amenities
- Residential projects that include diverse products and opportunities
- Residential projects not otherwise described above

Evaluation of projects will be based on the scoring rubric attached hereto as Exhibit A, which is incorporated in this Agreement by reference. A project must meet or exceed 50 points to receive an allocation. Proposed projects can gain BONUS POINTS by the applicant offering to provide items listed on the rubric as part of their development proposal. Examples of these items may include such things as additional amenities (fire pits, community gardens, etc.) or offering to provide “Minimum of 25% of building façades will be made of masonry materials.”

The Town of Clayton may allocate utility service capacity to competing projects based on a demonstrated intent and ability of the applicant to meet adopted Town goals and plans for character and quality of development. The Town of Clayton reserves the right to deny a utility allocation request if the applicant fails to adequately demonstrate that the project meets adopted Town goals or plans, or in the case that the project is deemed to be less supportive of Town goals or plans of a competing project.

IV. Procedure

The owner or developer of any project requiring water or wastewater utility service from the Town of Clayton shall submit a written application, in the application form provided by Town Staff, for an allocation reservation. The application shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to demand of utility capacity, and other supporting information demonstrating how the project serves the needs and interests of the Town of Clayton. In the case of Industrial flows, additional information associated with the constituents shall be required and may be subject to other ordinances or policies of the Town.

- The Town Council shall review for approval all allocations which require or may require a daily flow allocation of ten thousand gallons or more (> 10,000 GPD)
 - The Town Council shall incorporate the evaluation of utility allocation requests into the decision-making process associated with Subdivisions, Mixed-use Planned Developments, and Special Use Permits. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review processes for the accompanying land use application with regard to conformity with Town of Clayton policies and ordinances, planning practices, and consistency with adopted long-range and strategic plans.
 - For allocations requiring Town Council approval, but which do not require other land use regulatory reviews or approvals, the applicant shall provide a full description of how their project supports the goals and priorities established within this and related policies and plans in their application for allocation reservation.

- The Town Manager or their designee shall review for approval all applications for utility capacity which require a daily flow allocation of less than ten thousand gallons (< 10,000 GPD).
 - In addition to the scoring rubric, the Town Manager or their designee shall consider the goals articulated by this and related Town policies when reviewing applications for utility allocations. If an application is denied, the Town Manager or their designee shall state in writing the reasons for denial of the request.

V. General Conditions

- This policy shall replace any previous policies on water and wastewater allocations adopted by the Town Council.
- An allocation will expire if a project has not progressed in construction plan approval, building permit approval, or on-site construction within 12 months of award of the allocation.
- Upon request by the applicant and at the discretion of the Town Engineer, an allocation may be extended for one twelve (12) month period.
- If a project is unsuccessful in obtaining any required Federal, State, or local government permit or approval the reservation shall be retracted. The Town of Clayton shall bear no liability for any costs incurred by the applicant, nor bare further responsibility in the matter.
- Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by Town Ordinance or policy and does not imply or create any vested right.
- Public water may be utilized for irrigation purposes so long as the Primary Use associated with the site has previously gained a water allocation through the Town.
- This policy shall be reviewed annually and, when appropriate, readjusted by the Town Council. The Town's overall progress on policy goals will be considered and the multipliers and/or point thresholds readjusted accordingly.

V. Appeals Process

- Appeal of any provision of this policy shall be made to the Town Council.
- Appeal of any decision on a utility allocation by the Town Manager or their designee shall be made to the Town Council for final decision. Any such appeal shall be placed on the agenda of a regularly scheduled Town Council meeting.



WATER & WASTEWATER ALLOCATION CRITERIA				
TOTAL POINTS = 0 MINIMUM 50 POINTS REQUIRED				
	Category	Points	Calc.	Notes
DEVELOPMENT TYPE ¹ (Choose 1 from this category)	Government/Public Admin./Public Safety	50		
	Non-residential (Commercial) - Retail & Restaurant	30		
	Non-residential (Commercial) - Office	20		
	Non-residential (Commercial) - Warehouse	15		
	Non-residential (Commercial) - Medical	25		
	Non-residential (Commercial) - Hotel/Motel	35		
	Industrial/Manufacturing	30		
	Institutional	15		
	Residential Existing Lot- Single Family Detached	40		Individual Existing Lot construction
	Residential Subdivision - Single Family Detached (> 0.25 Acre Lots)	20		Single Family Homes on Individual Lots greater than 0.25 acres
	Residential Subdivision - Single Family Detached (< 0.25 Acre Lots)	15		Single Family Homes on Individual Lots less than 0.25 Acres
	Residential Subd.- Single Family Attached (> 1,500 SF Heated Space)	10		Townhomes with heated square-footage greater than 1,500 SF
	Residential Subd.- Single Family Attached (< 1,500 SF Heated Space)	5		Townhomes with heated square-footage less than 1,500 SF
	Residential - Multifamily (Apartments)	10		
	Mixed-Residential	25	25	Mix of various lot sizes of Single-family, Townhomes, and Apartments
	Mixed-Use Commercial & Residential	30		Mix of Residential and Non-residential (Commercial) uses
	Downtown Redevelopment	30		
	Infill Development	25		Utilities already exist within 300 Feet of property
FUTURE TAX STATUS (Choose 1 from this category)	Exempt	0		
	Residential	5	5	
	Non-residential	10		
	Industrial	10		
COMMUNITY BENEFIT BONUS POINTS (Choose All that apply from this category)	Cultural Arts/Entertainment for Public	10		
	Sports/Recreation for Public	10		
	Town Electric Customer	20		
	Expansion of existing non-residential use	10		
	Re-development of an existing property	5		Must result in increased property value
	Residential Subdivision - Additional amenities included	5 - 15	15	Pool, Clubhouse, sports courts, etc. - 5 pts per, max 15 pts
	Job Creation - 10 to 25 new jobs	5		
	Job Creation - 26 to 100 new jobs	10		
	Job Creation - 100+ new jobs	15		
	Job creation - Jobs created will have salaries at or above median income	5		Must be greater than 50% of jobs added with documentation to confirm
	Residential - Multiple-Car Garages provided	5	5	
	Residential - Overflow Parking provided	5		Subject to Planning and Engineering support
	Masonry Elements included in Building Construction	10		
	Sustainable/High Efficiency Products and appliances used	5 - 15	5	5 pts per, max 15 pts
	Private trail connection to Public Greenway	10		
COMMUNITY IMPACT DEDUCT POINTS (Choose All that apply from this category)	Pump Station Improvements required ²	-10		Subject to Town policy and standards
	New Pump Station Required ²	-20		Subject to Town policy and standards
	Out-of Town Status (After construction)	-10		
	Outside Fire District	-5		
	Inconsistent with Comp Plan	-5		
CLARIFICATIONS	1	Any Development Type Category not listed is subject to Town Council discretion with staff recommendation.		
	2	The Town Engineer may waive these deductions if the improvements are consistent with Future utility service plans, replace/offline an aging station, or are in the best interest of the Town.		



TOWN OF CLAYTON
Engineering & Inspections Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

WASTEWATER ALLOCATION REQUEST

The Town of Clayton, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

Wastewater Allocation Request Review Fee: \$250

Application MUST be completed and sealed by a registered engineer unless otherwise approved by staff.

SITE INFORMATION

Name of Project: Carolina Overlook North **Acreage of Property:** 362.75
County Tag Number: 05H02009B **NC PIN:** _____
Address/Location: 1162 Covered Bridge Road, Clayton, NC

Zoning District: R8/R10
Town Limits / ETJ: ☒ Town Limits ☐ ETJ (Extra-Territorial Jurisdiction)

APPLICANT INFORMATION – Applicant must be a registered engineer unless otherwise approved by Town Engineer

Applicant: WithersRavenel, Inc
Mailing Address: 115 Mackenan Drive
Phone Number: 919-469-3340 **Fax:** _____
Contact Person: Colleen Duryea
Email Address: cduryea@withersravenel.com

PROPERTY OWNER INFORMATION

Name: Raymond Elmore Earp Jr
Mailing Address: 1109 Sumter Court, Salisbury, NC 28144
Phone Number: _____ **Fax:** _____
Email Address: _____

FOR OFFICE USE ONLY

Date Received: _____ **File Number:** _____ **Associated Project Number:** _____

PROJECT INFORMATION

Use: ☒ New ☐ Expanded ☐ Change

Use Type: ☒ Residential ☐ Non-Residential

Proposed Use(s): Residential Existing Use(s): Vacant

Invoice shall be mailed to the following:

Developer Name: Pulte Home Corporation, LLC

Mailing Address: 1225 Crescent Drive, Suite 250

Phone Number: 919-816-1155 Fax Number:

Email Address: chris.raughley@pultegroup.com

ALLOCATION REQUEST

The following is required:

- For non-residential construction, submit a floor plan of proposed building.
- Use additional sheets if necessary.
- Provide any documentation supporting/justifying the request as an attachment (using a comparable use is recommended).
- If a phasing / take-down schedule is proposed, include as an attachment.

Residential:

Gross Acreage: 362.75

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units	375	250	93750
>3 Bedroom Units	375	250	93750
Total	750	-----	187500

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
Total		-----	

Non-Residential: (Design Flow Guideline provided as Appendix A)*

**If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

Gross Acreage: _____

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
Total			-----	

TOTAL REQUESTED GALLONS PER DAY: _____

NOTE TO APPLICANT:

Invoicing:

Invoices are generated on the following schedule:

Non-Residential:

Generated with the application for a Zoning Compliance Permit.

Residential:

Multi-Family / Apartments:

Generated with the application for a Zoning Compliance Permit.

Subdivision / Subdivided Lots:

Generated at Final Plat submittal.

Fee Development:

Development Fees are calculated and invoiced based on the Town of Clayton adopted [Comprehensive List of Fees and Charges](#). Invoiced fees include acreage fees, capacity fees, nutrient offset fees, recreation fees, fees-in-lieu, and electric department lot deposit. Please speak with Town staff with questions.

Approval:

Requests over 10,000 GPD are approved by the Town Council, by resolution. All other requests are approved by the Town Manager.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Wastewater Allocation. 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.

Colleen Duryea

Print Name

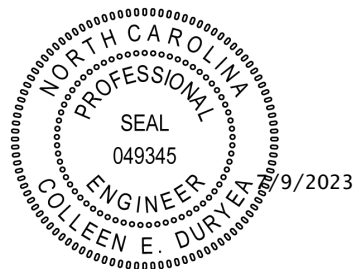
DocuSigned by:
Colleen Duryea
E3CE37D0735C47D...

Signature of Applicant

07/09/2023

Date

Engineer Seal:



TOWN OF CLAYTON OFFICE USE ONLY:

Approved by: ☐ Town Manager

☐ Town Council (*requests of 10,000 GPD or more require Council approval by resolution*)

The **Town Manager / Town Council (circle one)** has authorized the allocation of _____

gallons per day for project # _____.

Date of Approval: _____

Signed:

Town Manager

If approved by Town Council:

Attach a copy of the resolution and any associated documentation.

APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

Establishment Type	Daily Flow Rate
Barber and Beauty Shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, Offices and Factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, Rescue and Emergency Response	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and Drink Facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq. ft. floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq. ft. floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq. ft. floor space
Bakery	10 gal/100 sq. ft. floor space
Meat department, butcher shop or fish market	75 gal/100 sq. ft. floor space
Specialty food stand or kiosk	50 gal/100 sq. ft. floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self-service laundry facilities	500 gal/machine
Medical, Dental and Veterinary Facilities	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite

Establishment Type	Daily Flow Rate
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, Pre-school and Day Care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service Stations and Car Wash Facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
Sports Centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq. ft.
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq. ft.
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, Shopping Centers, Malls and Flea Markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq. ft.
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq. ft.
Stores and shopping centers without food service	100 gal/1000 sq. ft.
Transportation Terminals	
Air, bus, train, ferry, port and dock	5 gal/passenger

Source: North Carolina Administrative Code 02T.0114, January 1, 2007

RAMEY KEMP ASSOCIATES

TOGETHER WE ARE LIMITLESS



Steeplechase North
Traffic Impact Analysis
Clayton, North Carolina



**TRAFFIC IMPACT
ANALYSIS**

FOR

STEEPLECHASE NORTH

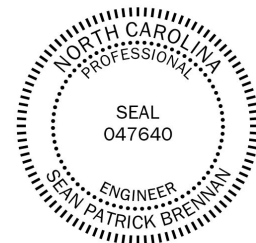
LOCATED

IN

CLAYTON, NC

Prepared For:
PULTE HOME COMPANY
1225 Crescent Green Drive
Cary, North Carolina

Prepared By:
Infrastructure Consulting Services, Inc.
dba
Ramey Kemp Associates
5808 Faringdon Place
Raleigh, NC 27609
License #F-1489



JUNE 2023

Sean Brennan

6/15/23

RKA Project No. 23113

Prepared By: GB

Reviewed By: SB

**TRAFFIC IMPACT ANALYSIS
STEEPLECHASE NORTH
CLAYTON, NORTH CAROLINA**

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) was conducted for the proposed Steeplechase North development in accordance with the Clayton (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. The proposed development is expected to be a maximum of 750 senior adult single-family home development and estimated to be built out in 2028. Site access is proposed via two (2) full movement driveways along Covered Bridge Road and eight (8) full movement driveways along Brookhill Drive.

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the NCDOT and the Town and consists of the following existing intersections:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O'Neil Street

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersection listed below, in May of 2023 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O'Neil Street

Traffic volumes were balanced between study intersections, where appropriate.

3. Site Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE Trip Generation Manual, 11.1th Edition. Table E-1 provides a summary of the trip generation potential for the site.

Table E-1: Site Trip Generation

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Senior Adult – Single Family Housing (251)	750 units	3,285	59	121	130	84

4. Future Traffic Conditions

Through coordination with the NCDOT and the Town, it was determined that an annual growth rate of 3% would be used to generate 2023 projected weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Carolina Overlook
- Ashcroft 2.0
- Walton Farms
- Highgate and Creech Developments

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions
- 2028 No-Build Traffic Conditions
- 2028 Build Traffic Conditions

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2023 existing, 2028 no-build, and 2028 build conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

Improvements by Steeplechase

Covered Bridge Road & Shotwell Road

- Construct a northbound right-turn lane with 150 feet of storage and appropriate taper.
- Construct a southbound left-turn lane with 350 feet of storage and appropriate taper.
- Construct westbound right-turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & N. O'Neil Street

- Construct a southbound right-turn lane with 275 feet of storage and appropriate taper.

Improvements by Highgate and Creech

Covered Bridge Road & Shotwell Road

- Install a traffic signal.

Covered Bridge Road & N. O'Neil Street

- Install a traffic signal.

Improvements by Ashcroft Phase 2Covered Bridge Road & N. O'Neil Street

- Construct a northbound left-turn lane with 250 feet of storage and appropriate taper.
- Construct an eastbound right-turn lane with 100 feet of storage and appropriate taper.

Recommended Improvements by DeveloperCovered Bridge Road & Shotwell Road

- Signal timings modification.
- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.

Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Covered Bridge Road & Site Access 2

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 9

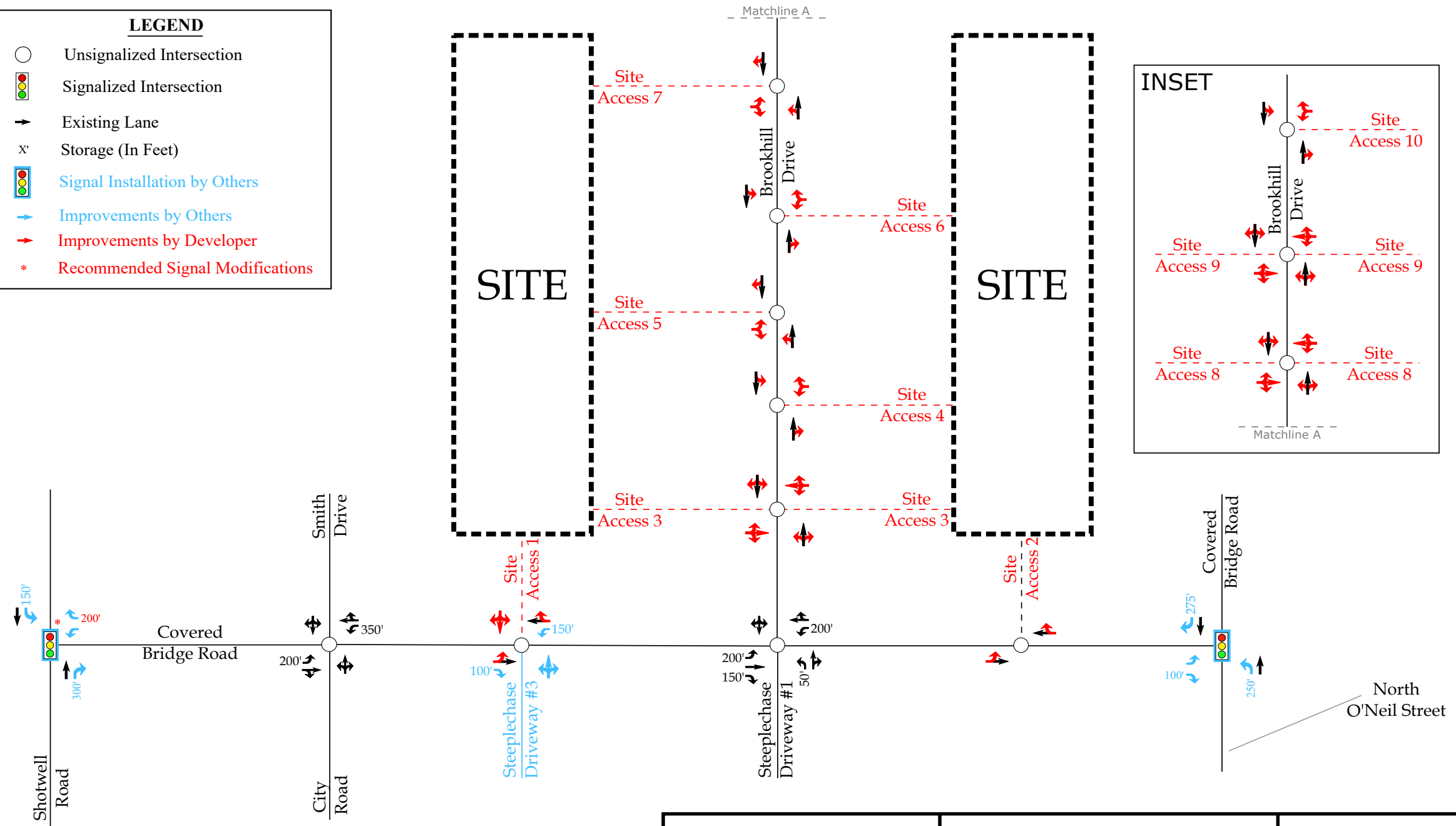
- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- Existing Lane
- x' Storage (In Feet)
- ◫ Signal Installation by Others
- Improvements by Others
- Improvements by Developer
- * Recommended Signal Modifications



 RAMEY KEMP ASSOCIATES	Steeplechase North Clayton, NC	Recommended Lane Configurations	
		Scale: Not to Scale	Figure E-1

TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1. Site Location and Study Area.....	1
1.2. Proposed Land Use and Site Access	2
1.3. Adjacent Land Uses.....	2
1.4. Existing Roadways	2
2. 2023 EXISTING PEAK HOUR CONDITIONS.....	7
2.1. 2023 Existing Peak Hour Traffic Volumes	7
2.2. Analysis of 2023 Existing Peak Hour Traffic Conditions.....	7
3. 2028 NO-BUILD PEAK HOUR CONDITIONS	9
3.1. Ambient Traffic Growth.....	9
3.2. Adjacent Development Traffic.....	9
3.3. Future Roadway Improvements	11
3.4. 2028 No-Build Peak Hour Traffic Volumes	11
3.5. Analysis of 2028 No-Build Peak Hour Traffic Conditions.....	11
4. SITE TRIP GENERATION AND DISTRIBUTION.....	15
4.1. Trip Generation.....	15
4.2. Site Trip Distribution and Assignment	15
5. 2028 BUILD TRAFFIC CONDITIONS.....	19
5.1. 2028 Build Peak Hour Traffic Volumes.....	19
5.2. Analysis of 2028 Build Peak Hour Traffic Conditions	19
6. TRAFFIC ANALYSIS PROCEDURE	21
6.1. Adjustments to Analysis Guidelines	21
7. CAPACITY ANALYSIS	22
7.1. Covered Bridge Road & Shotwell Road	22
7.2. Covered Bridge Road & Smith Drive/City Road.....	24
7.3. Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1.....	25
7.4. Covered Bridge Road & N. O'Neil Street	26
7.5. Covered Bridge Road & Site Access 1/Steeplechase Driveway 3	27

7.6. Covered Bridge Road and Site Access 2	29
7.7. Brookhill Drive & Site Access 3	30
7.8. Brookhill Drive & Site Access 4	31
7.9. Brookhill Drive & Site Access 5	32
7.10. Brookhill Drive & Site Access 6	33
7.11. Brookhill Drive & Site Access 7	34
7.12. Brookhill Drive & Site Access 8	35
7.13. Brookhill Drive & Site Access 9	36
7.14. Brookhill Drive & Site Access 10.....	37
8. CONCLUSIONS.....	38
9. RECOMMENDATIONS	41

LIST OF FIGURES

Figure 1 – Site Location Map.....	4
Figure 2 – Preliminary Site Plan.....	5
Figure 3 – Existing Lane Configurations.....	6
Figure 4 – 2023 Existing Peak Hour Traffic.....	8
Figure 5 – 2028 Projected Peak Hour Traffic	12
Figure 6 – Adjacent Development Trips	13
Figure 7 – 2028 No-Build Peak Hour Traffic.....	14
Figure 8 – Site Trip Distribution.....	17
Figure 9 – Site Trip Assignment.....	18
Figure 10 – 2028 Build Peak Hour Traffic.....	20
Figure 11 – Recommended Lane Configurations	44

LIST OF TABLES

Table 1: Existing Roadway Inventory	3
Table 2: Adjacent Development Information.....	10
Table 3: Trip Generation Summary	15
Table 4: Highway Capacity Manual – Levels-of-Service and Delay	21
Table 5: Analysis Summary of Covered Bridge Road & Shotwell Road	22
Table 6: Analysis Summary of Covered Bridge Road & Smith Drive/City Road	24
Table 7: Analysis Summary of Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1	25
Table 8: Analysis Summary of Covered Bridge Road & N. O’Neil Street	26
Table 9: Analysis Summary of Covered Bridge Road & Site Access 1/Steeplechase Driveway 3	27
Table 10: Analysis Summary of Covered Bridge Road & Site Access 2.....	29
Table 11: Analysis Summary of Brookhill Drive & Site Access 3	30
Table 12: Analysis Summary of Brookhill Drive & Site Access 4	31
Table 13: Analysis Summary of Brookhill Drive & Site Access 5	32
Table 14: Analysis Summary of Brookhill Drive & Site Access 6	33
Table 15: Analysis Summary of Brookhill Drive & Site Access 7	34
Table 16: Analysis Summary of Brookhill Drive & Site Access 8	35
Table 17: Analysis Summary of Brookhill Drive & Site Access 9	36
Table 18: Analysis Summary of Brookhill Drive & Site Access 10.....	37

TECHNICAL APPENDIX

Appendix A:	Scoping Documentation
Appendix B:	Traffic Counts
Appendix C:	Signal Plans
Appendix D:	Adjacent Development Information
Appendix E:	Capacity Calculations – Covered Bridge Road & Shotwell Road
Appendix F:	Capacity Calculations – Covered Bridge Road & Smith Drive/City Road
Appendix G:	Capacity Calculations – Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1
Appendix H:	Capacity Calculations – Covered Bridge Road & N. O’Neil Street
Appendix I:	Capacity Calculations – Covered Bridge Road & Site Access 1/Steeplechase Driveway 3
Appendix J:	Capacity Calculations – Covered Bridge Road & Site Access 2
Appendix K:	Capacity Calculations – Brookhill Drive & Site Access 3
Appendix L:	Capacity Calculations – Brookhill Drive & Site Access 4
Appendix M:	Capacity Calculations – Brookhill Drive & Site Access 5
Appendix N:	Capacity Calculations – Brookhill Drive & Site Access 6
Appendix O:	Capacity Calculations – Brookhill Drive & Site Access 7
Appendix P:	Capacity Calculations – Brookhill Drive & Site Access 8
Appendix Q:	Capacity Calculations – Brookhill Drive & Site Access 9
Appendix R:	Capacity Calculations – Brookhill Drive & Site Access 10
Appendix S:	Simtraffic Queueing Reports

**TRAFFIC IMPACT ANALYSIS
STEEPLECHASE NORTH
CLAYTON, NORTH CAROLINA**

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Steeplechase North development to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2028, is assumed to consist of up to 750 senior adult single-family housing. This property was previously considered for development with approximately 1,200 residential units that would not be age-restricted. The current plan proposes fewer units that will be age-restricted.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions
- 2028 No-Build Traffic Conditions
- 2028 Build Traffic Conditions

1.1. Site Location and Study Area

The development is proposed to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Clayton (Town) and consists of the following existing intersections:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O'Neil Street

Refer to Appendix A for the approved scoping documentation.

1.2. Proposed Land Use and Site Access

The site is expected to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road. The proposed development, anticipated to be completed in 2028, is assumed to consist of up to 750 senior adult single-family housing.

Site access is proposed via two (2) full movement driveways along Covered Bridge Road and eight (8) full movement driveways along Brookhill Drive. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), speed limits, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1, on the following page, provides a summary of this information, as well.

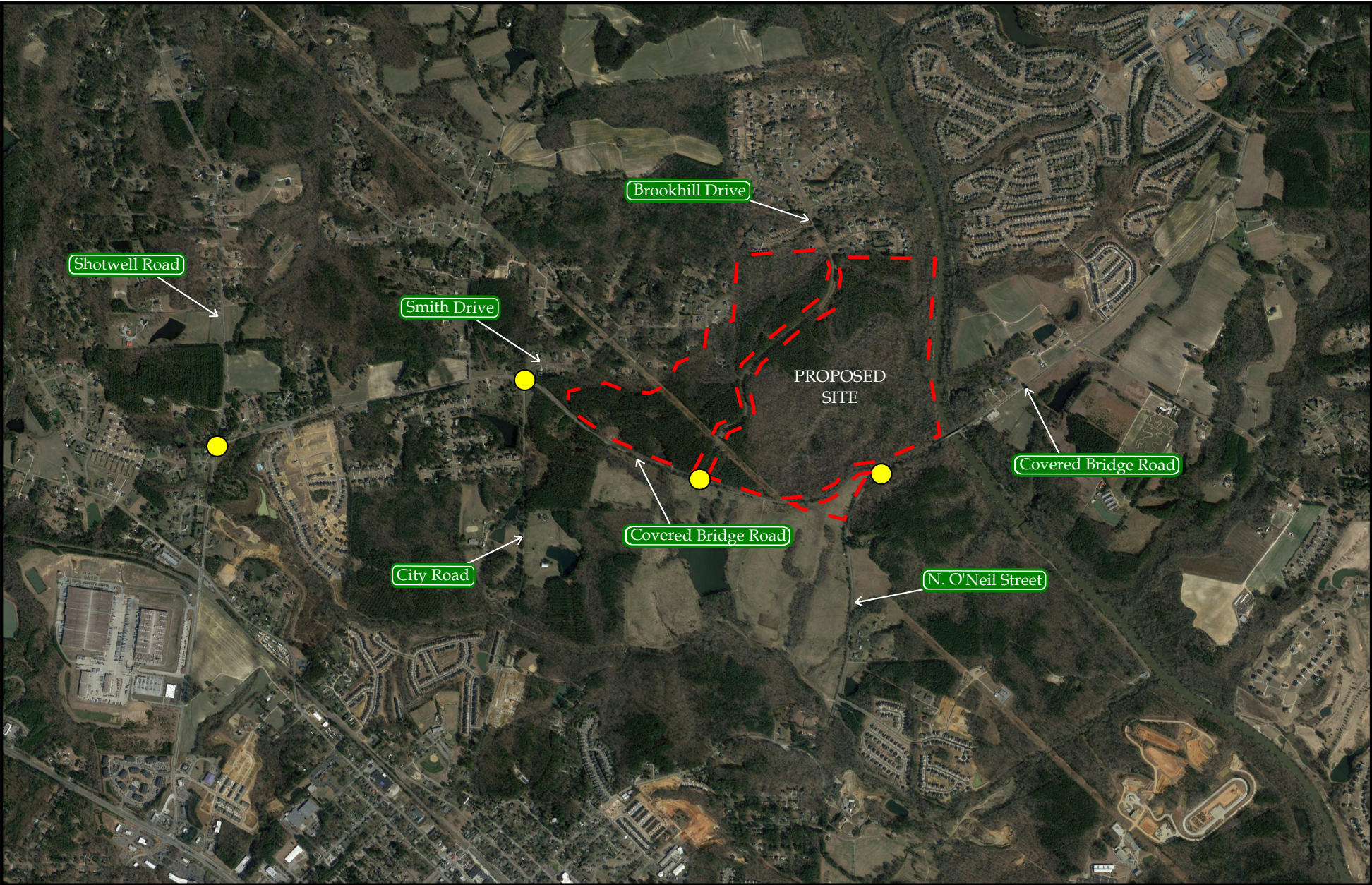
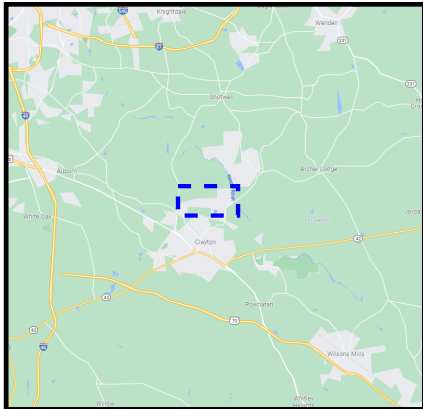
Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	2019 AADT (vpd)
Covered Bridge Road	SR 1700	2-lane undivided	45 mph	11,000
Shotwell Road	SR 1553	2-lane undivided	45 mph	15,000**
City Road/Smith Drive	SR 1709/N/A	2-lane undivided	45 mph/25 mph	1,300/220***
Brookhill Drive	N/A	2-lane undivided	35 mph	210***
N. O'Neil Street	SR 1708	2-lane undivided	55 mph	7,600*

*ADT from 2017

**ADT from 2018

***ADT based on the traffic counts from 2023 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.



LEGEND

- Proposed Site Location
- Study Intersection
- Study Area

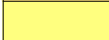


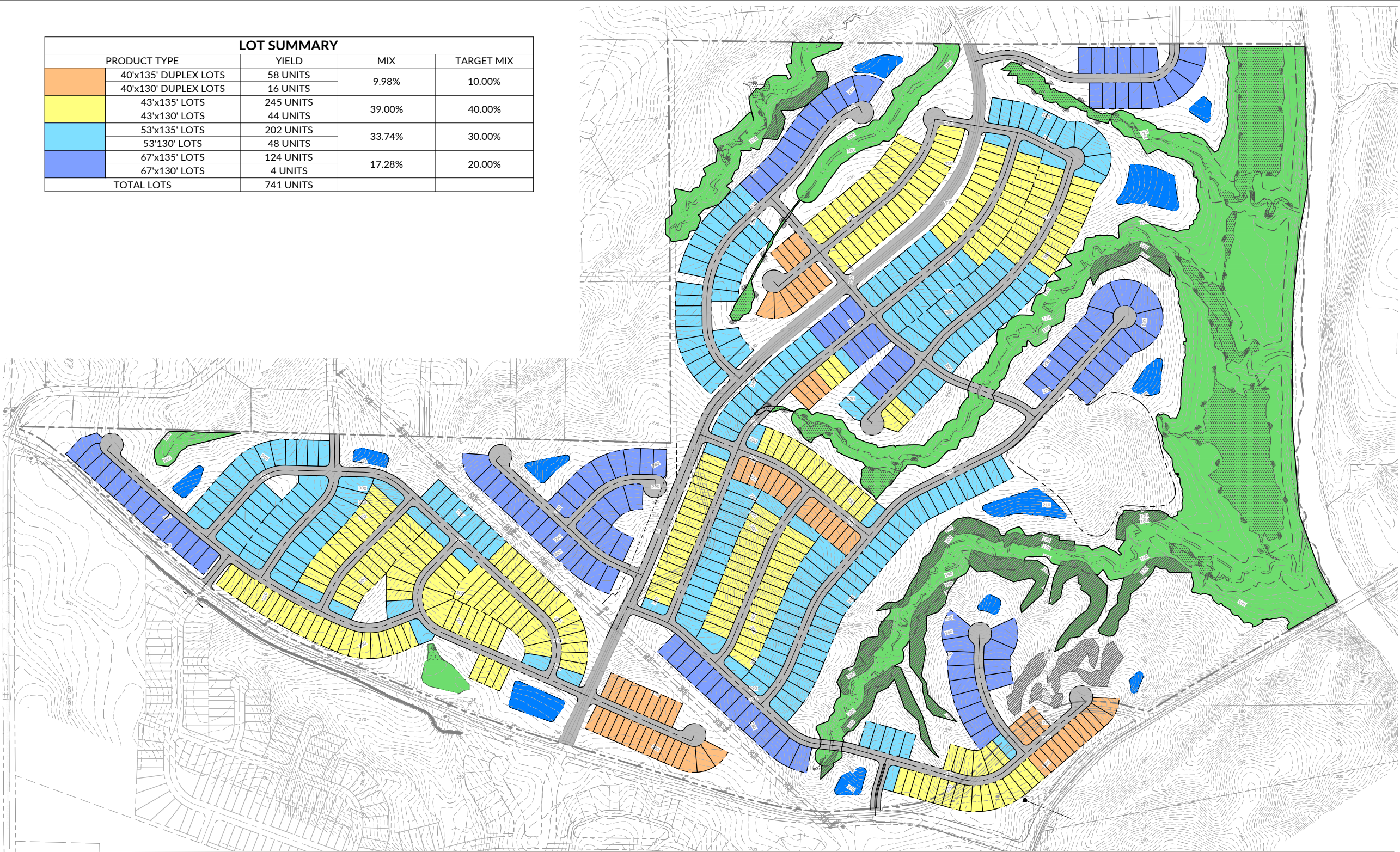
RKA
RAMEY KEMP ASSOCIATES

Steeplechase North
Clayton, NC

Site Location Map

Scale: Not to Scale Figure 1

LOT SUMMARY			
PRODUCT TYPE	YIELD	MIX	TARGET MIX
	40'x135' DUPLEX LOTS	58 UNITS	9.98%
	40'x130' DUPLEX LOTS	16 UNITS	
	43'x135' LOTS	245 UNITS	39.00%
	43'x130' LOTS	44 UNITS	
	53'x135' LOTS	202 UNITS	33.74%
	53'x130' LOTS	48 UNITS	
	67'x135' LOTS	124 UNITS	17.28%
	67'x130' LOTS	4 UNITS	
TOTAL LOTS		741 UNITS	

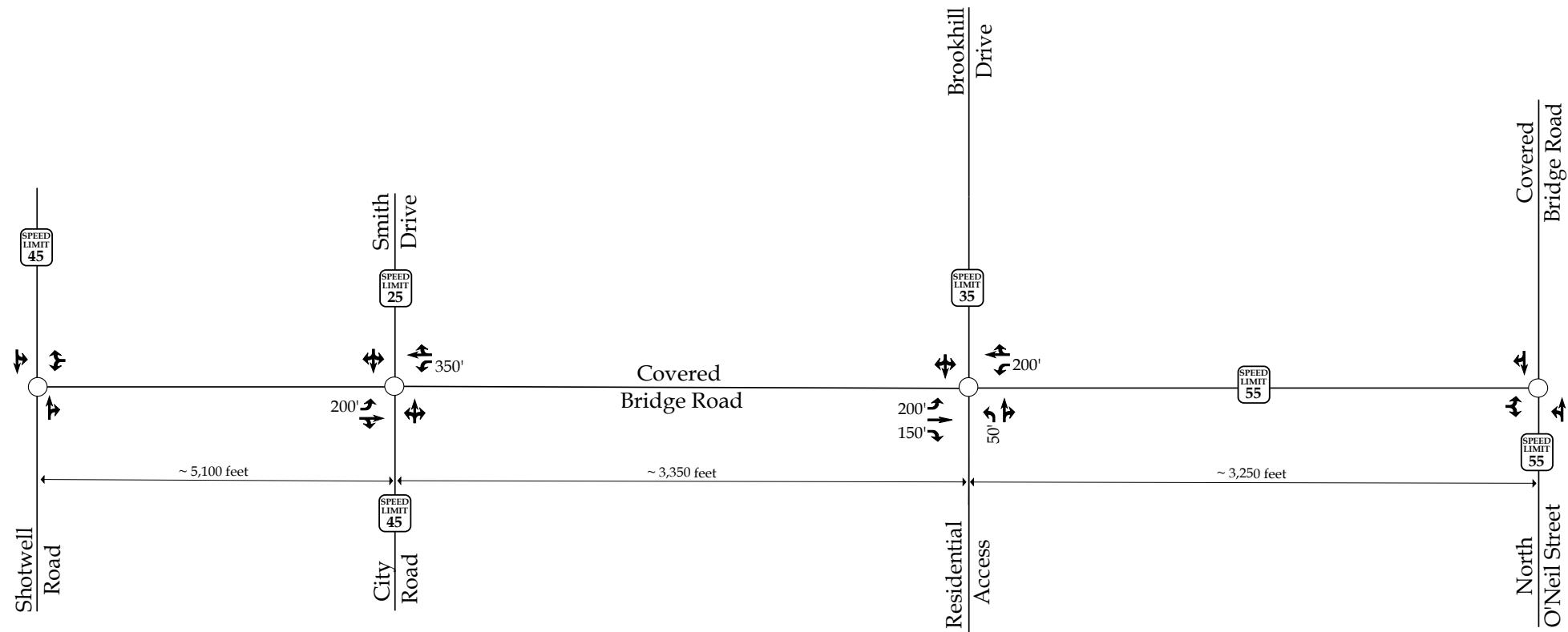


LEGEND

- Unsignalized Intersection
- ➔ Existing Lane
- X' Storage (In Feet)
- SPEED LIMIT

XX

 Posted Speed Limit



Steeplechase North
Clayton, NC

2023 Existing
Lane Configurations

Scale: Not to Scale

Figure 3

2. 2023 EXISTING PEAK HOUR CONDITIONS

2.1. 2023 Existing Peak Hour Traffic Volumes

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in May of 2023 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O’Neil Street

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for 2023 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

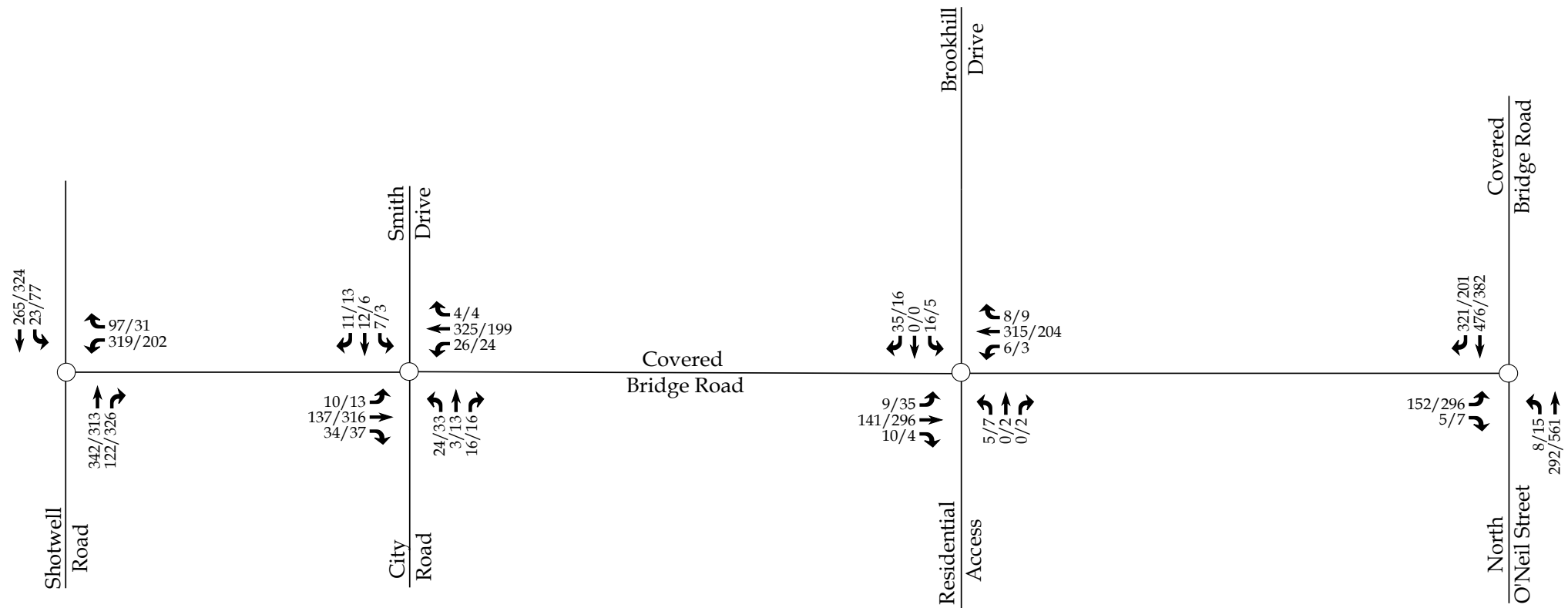
2.2. Analysis of 2023 Existing Peak Hour Traffic Conditions

The 2023 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.

LEGEND

○ Unsignalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2023 Existing
Peak Hour Traffic

Scale: Not to Scale

Figure 4

3. 2028 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the NCDOT and the Town, it was determined that an annual growth rate of 3% would be used to generate 2028 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for 2028 projected peak hour traffic.

3.2. Adjacent Development Traffic

Through coordination with the NCDOT and the Town, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Carolina Overlook (Steeplechase)
- Ashcroft 2.0
- Walton Farms
- Highgate and Creech Developments

Table 2, on the following page, provides a summary of the adjacent developments.

Table 2: Adjacent Development Information

Development Name	Location	Build-Out Year	Land Use / Intensity	TIA Performed
Carolina Overlook (Steeplechase)	South of Covered Bridge Road and west of N. O'Neil Street	2020	373 Single-family homes and 70 townhomes	March 2018 by RKA
Ashcroft Phase 2	East of N. O'Neil Street on the south side of the Neuse River	2030	300 Single-family homes, 300 townhomes, 180 apartments, and 105,000 square feet of general retail space	August of 2020 by Kimley Horn
Walton Farms	East of the Neuse River and north of Covered Bridge Road	2024	190 single-family homes and 120 apartments	April 2017 by RKA
Highgate and Creech Developments	Between Covered Bridge Road and Old US 70 to the east of Shotwell Road	2019	229 Single-family homes	September 2017 by Moffatt & Nichol

Steeplechase is expected to add a northbound approach, creating a fourth leg to the intersection of Covered Bridge Road and Brookhill Drive striped as a left-turn lane with 100 feet of storage and a shared through-right lane. The development is also expected to add an eastbound right-turn lane and a westbound left-turn lane. These improvements are already in place in the existing traffic conditions. The Highgate and Creech developments are expected to signalize the intersections of Covered Bridge Road and Shotwell Road as well as Covered Bridge Road and N. O'Neil Street.

It should be noted that the adjacent developments were approved, during scoping, by the NCDOT and the Town. Adjacent development trips are shown in Figure 6. Adjacent development information can be found in Appendix D.

3.3. Future Roadway Improvements

Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to be constructed by the public agencies. Improvements required of other developments are considered in this study.

3.4. 2028 No-Build Peak Hour Traffic Volumes

The 2028 no-build traffic volumes were determined by projecting the 2023 existing peak hour traffic to the year 2028 and adding the adjacent development trips. Refer to Figure 7 for an illustration of the 2028 no-build peak hour traffic volumes at the study intersections.

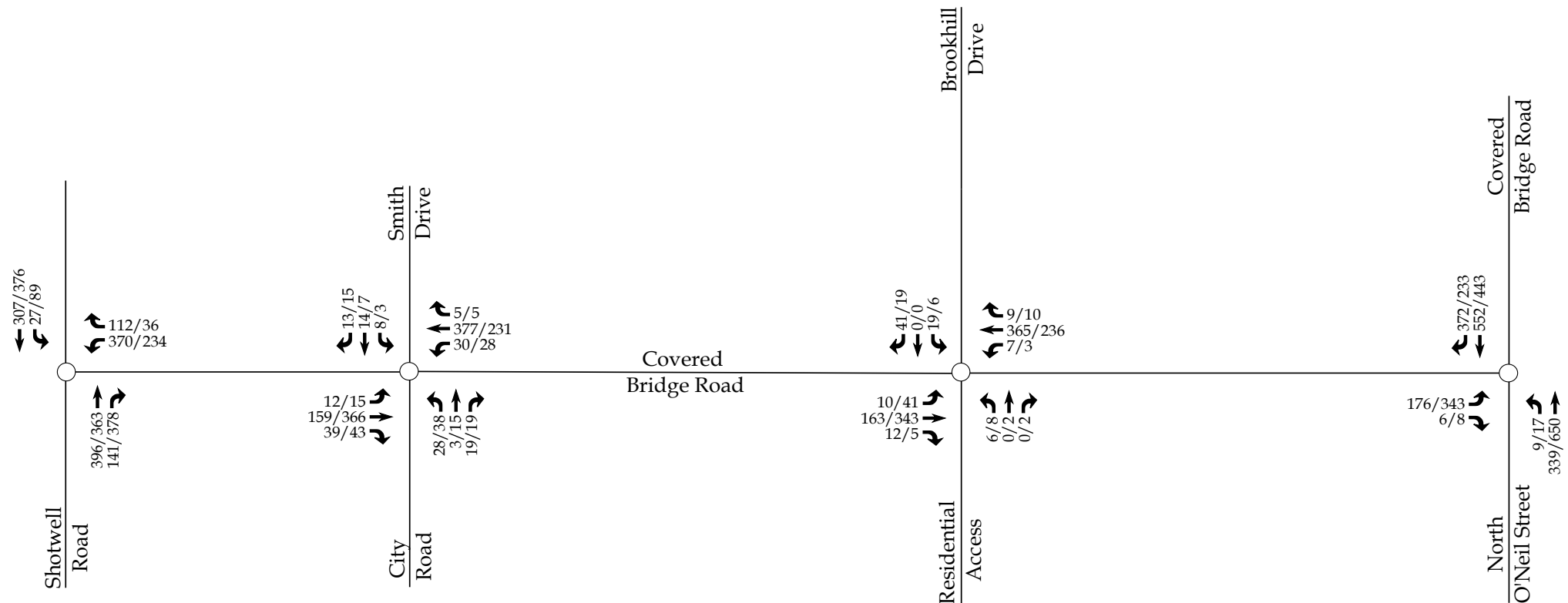
3.5. Analysis of 2028 No-Build Peak Hour Traffic Conditions

The 2028 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.

LEGEND

○ Unsignalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Steeplechase North
Clayton, NC

2028 Projected
Peak Hour Traffic

Scale: Not to Scale

Figure 5

LEGEND

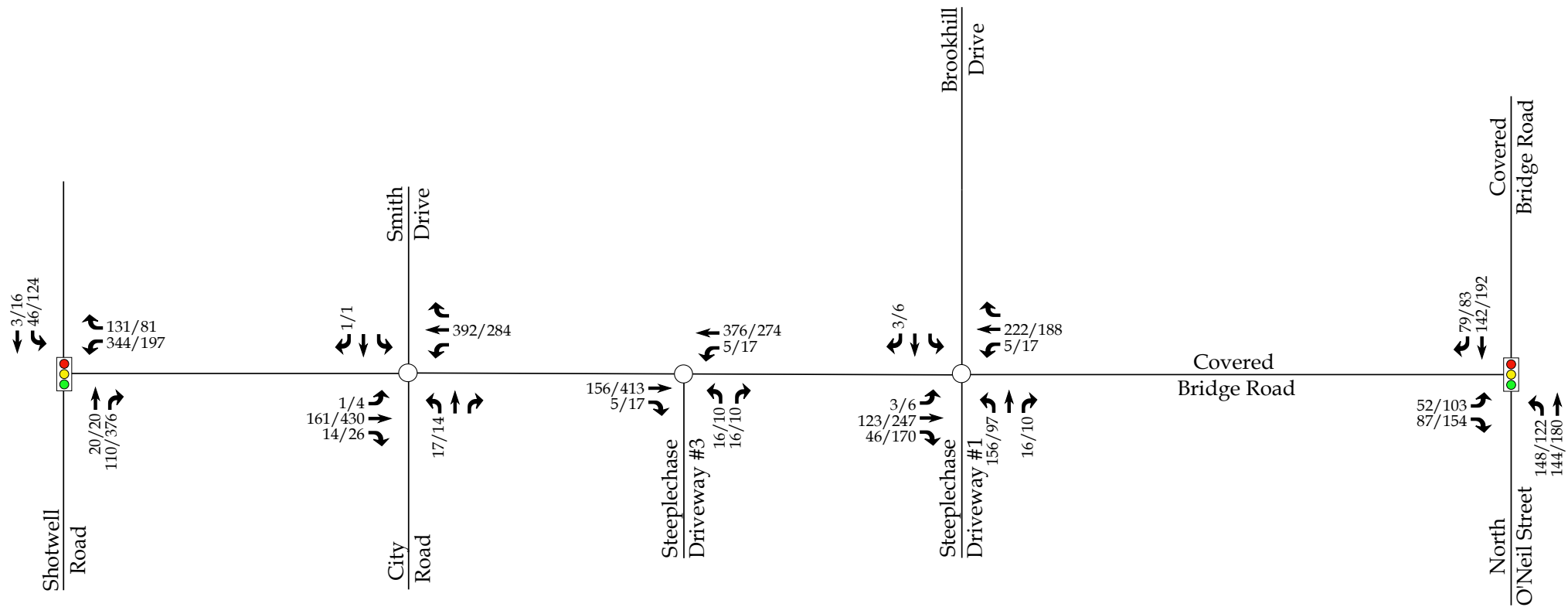
○

Unsignalized Intersection

Signalized Intersection

X / Y →

Weekday AM / PM Peak Hour
Adjacent Development Trips



Steeplechase North
Clayton, NC

Peak Hour Adjacent
Development Trips

Scale: Not to Scale

Figure 6

LEGEND

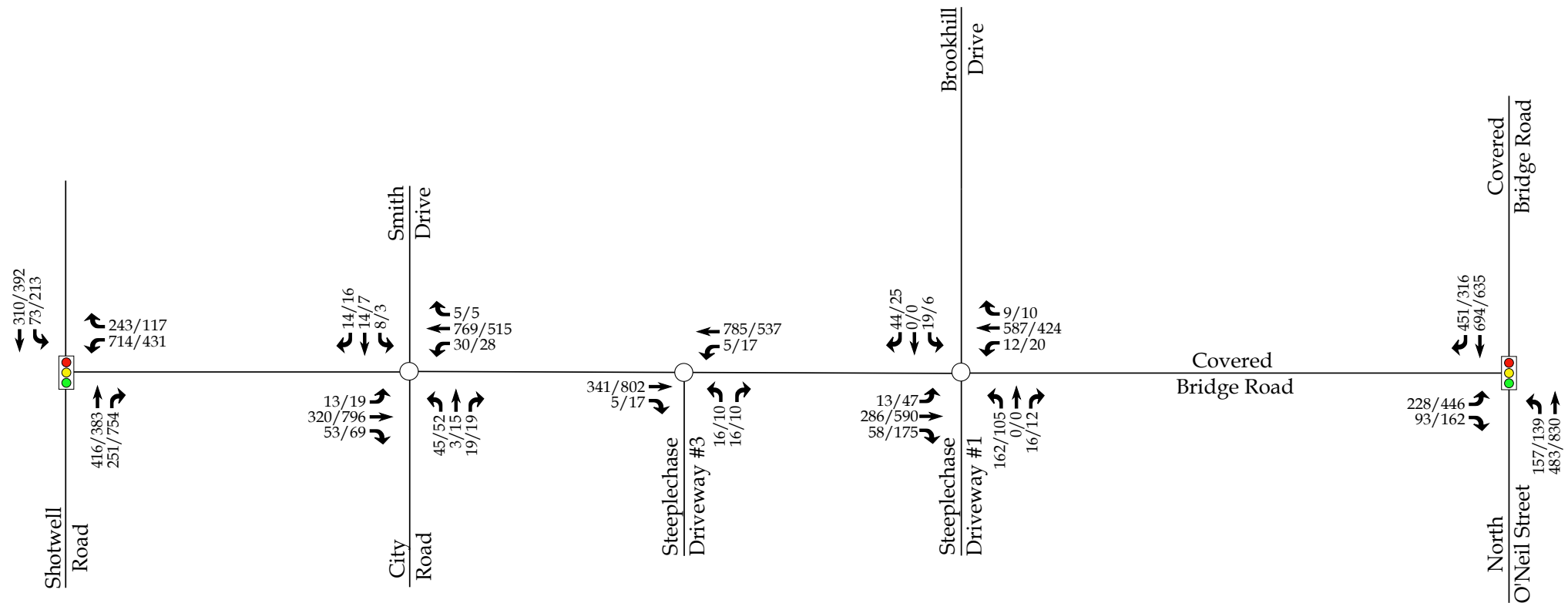
○

Unsignalized Intersection

Signalized Intersection

X / Y →

Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2028 No-Build
Peak Hour Traffic

Scale: Not to Scale Figure 7

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 11.1 Edition. Table 3 provides a summary of the trip generation potential for the site.

Table 3: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Senior Adult – Single Family Housing (251)	750 units	3,285	59	121	130	84

It is estimated that the proposed development will generate approximately 3,285 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 180 trips (59 entering and 121 exiting) will occur during the weekday AM peak hour and 214 trips (130 entering and 84 exiting) will occur during the weekday PM peak hour.

The proposed development will include up to 750 senior adult single-family residential units. This property was previously considered for development with approximately 1,200 residential units that would not be age-restricted. The current plan proposal results in a significantly lower trip generation than the previous development plan.

4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.

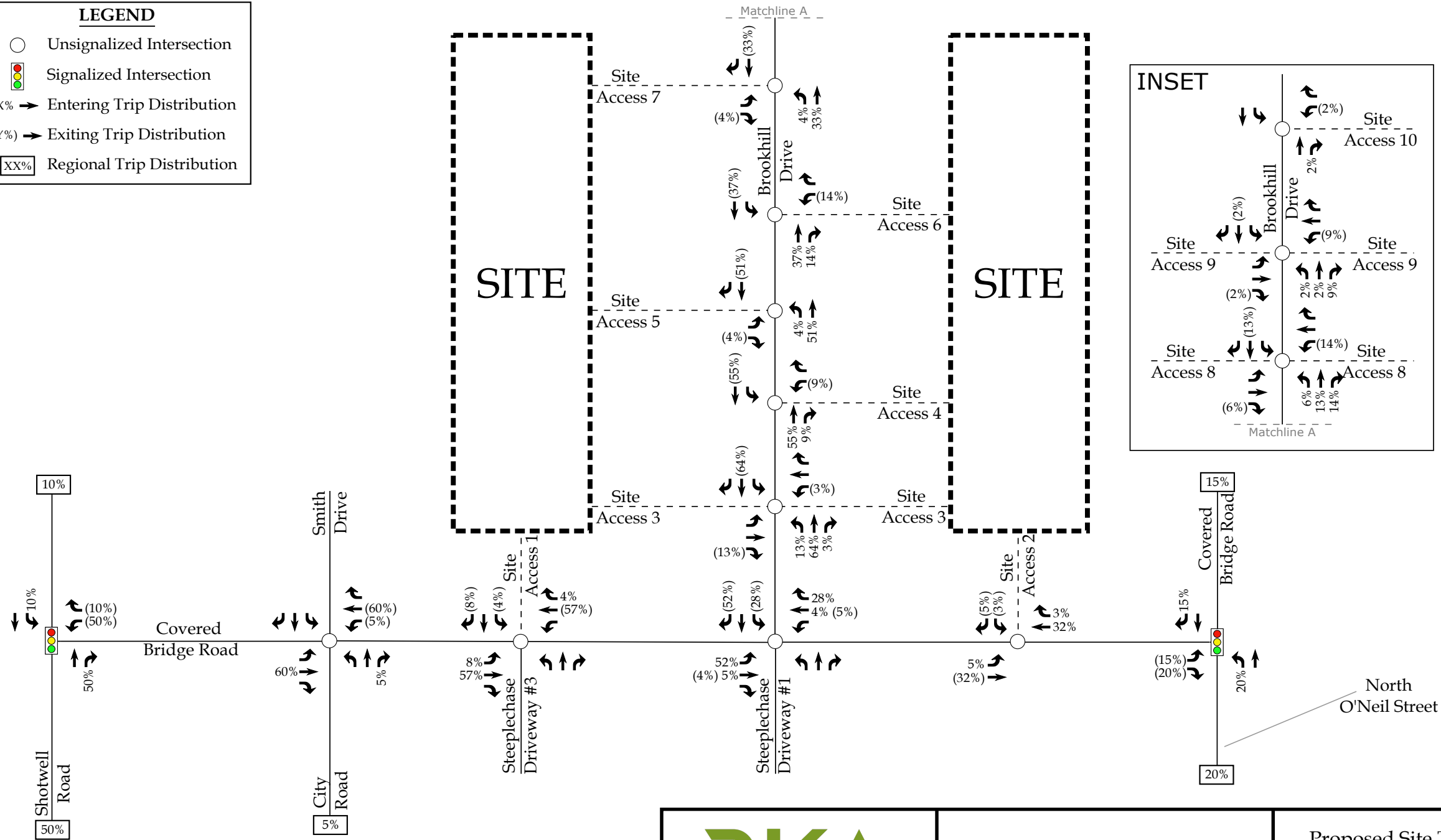
It is estimated that the site trips will be regionally distributed as follows:

- 50% to/from the south via Shotwell Road
- 20% to/from the south via N. O'Neil Street
- 15% to/from the north via Covered Bridge Road
- 10% to/from the north via Shotwell Road
- 5% to/from the south via City Road

The site trip distribution is shown in Figure 8 and refer to Figure 9 for the site trip assignment.

LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- X% → Entering Trip Distribution
- (Y%) → Exiting Trip Distribution
- XX% Regional Trip Distribution



Steeplechase North
Clayton, NC

Proposed Site Trip
Distribution

Scale: Not to Scale

Figure 8

LEGEND

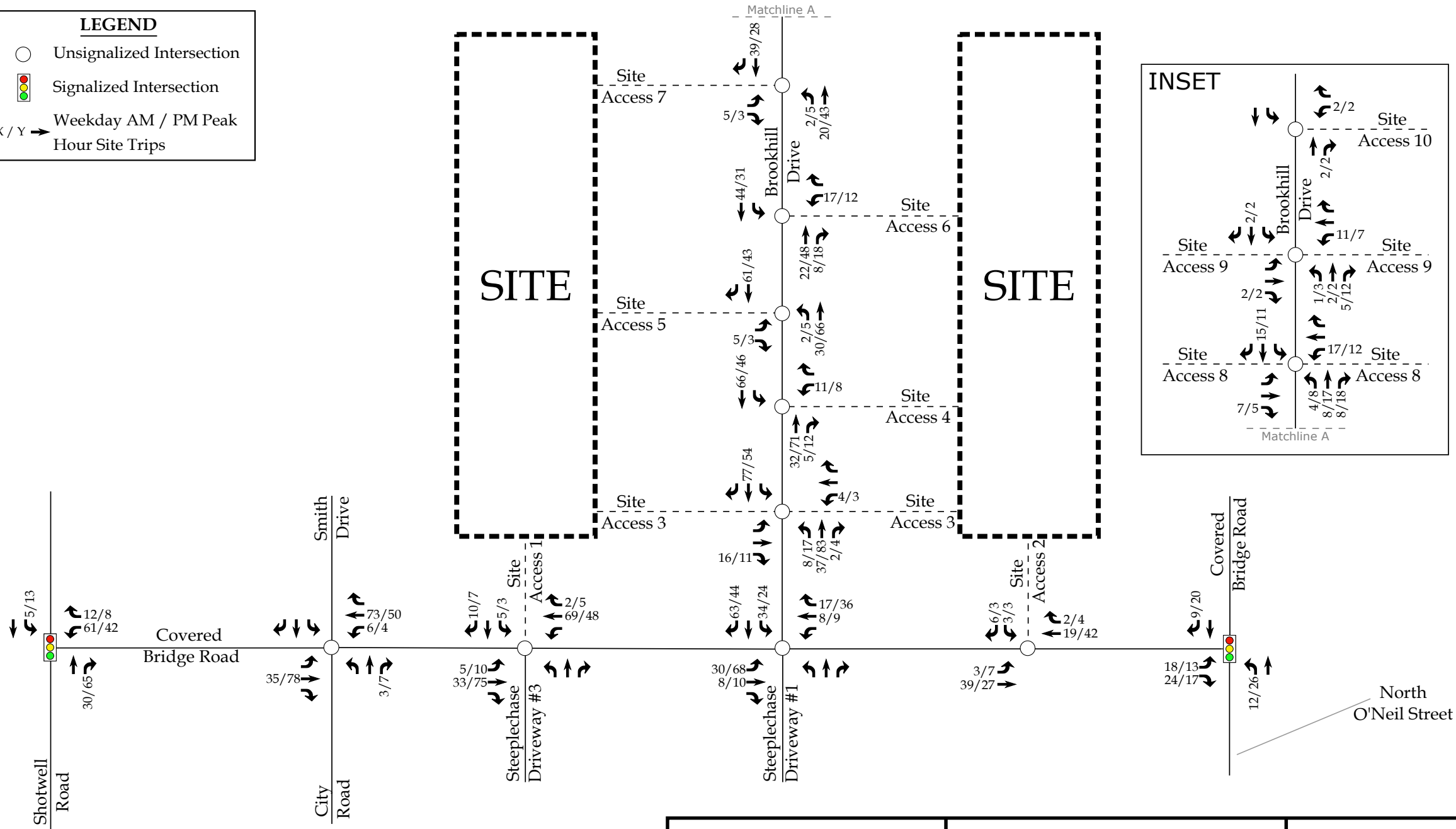
○

Unsignalized Intersection

Signalized Intersection

X / Y

→Weekday AM / PM Peak
Hour Site Trips



Steeplechase North
Clayton, NC

5. 2028 BUILD TRAFFIC CONDITIONS

5.1. 2028 Build Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2028 no-build traffic volumes to determine the 2028 build traffic volumes. Refer to Figure 10 for an illustration of the 2028 build peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of 2028 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2028 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.

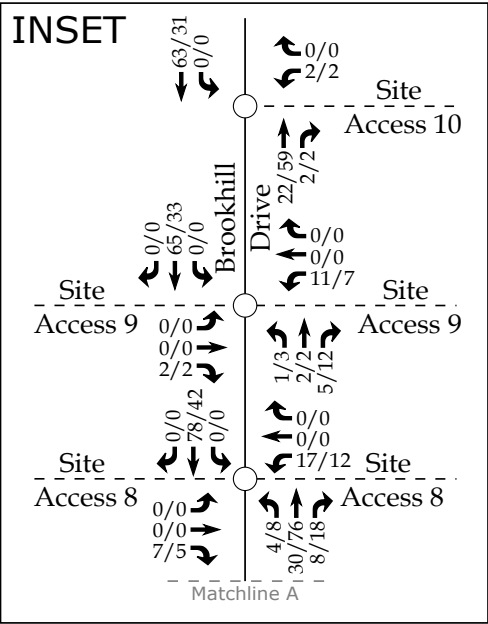
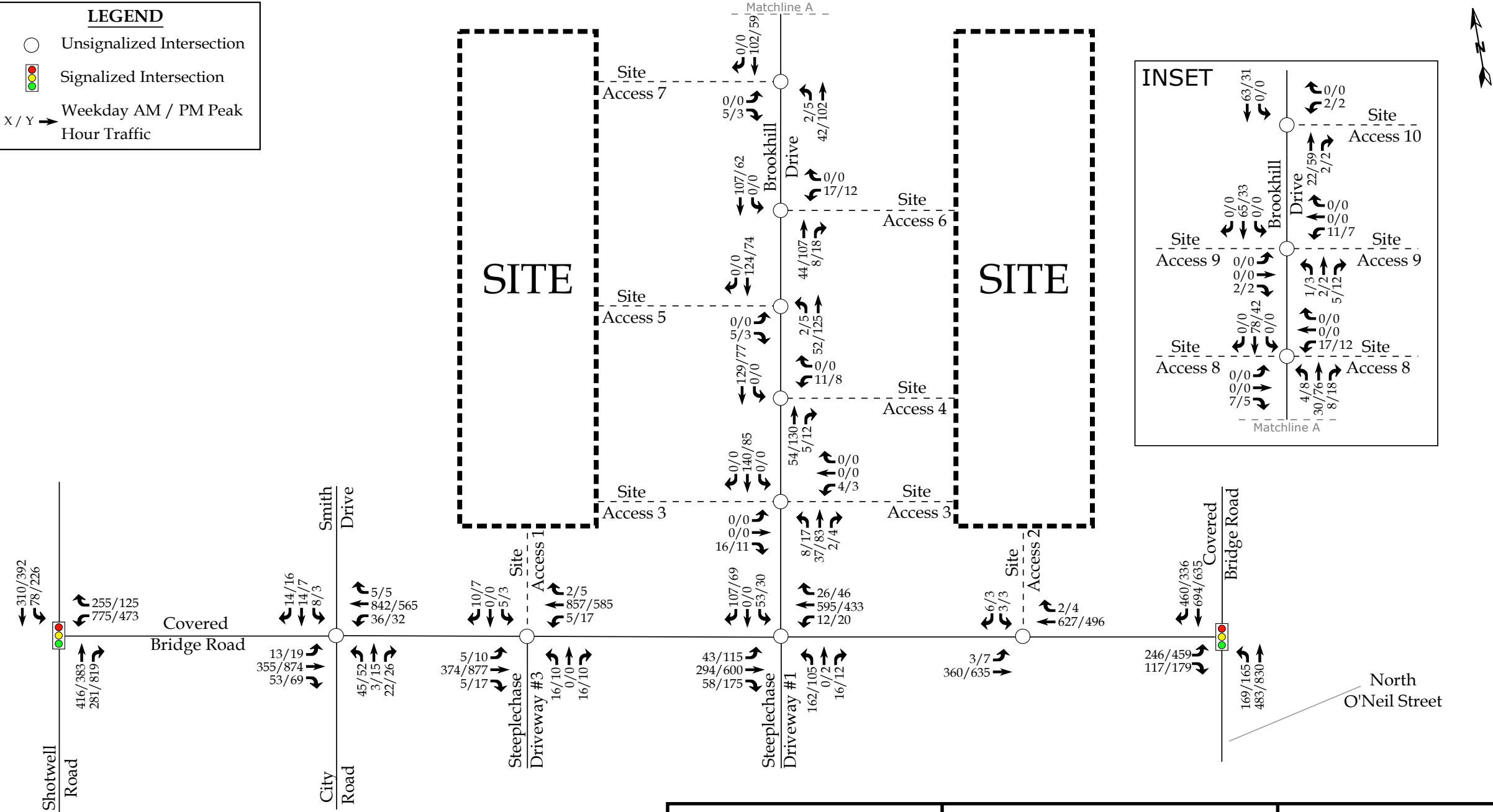
LEGEND

○

Unsignalized Intersection

Signalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2028 Build
Peak Hour Traffic

Scale: Not to Scale

Figure 10

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. Synchro (Version 11.1) was used to complete the analyses for the study area intersections. Unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”.

Table 4: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestion Management Guidelines. Any adjustments to the guidelines were accounted for in a separate analysis scenario.

7. CAPACITY ANALYSIS

7.1. Covered Bridge Road & Shotwell Road

The existing unsignalized intersection was analyzed under all traffic conditions with lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports.

Table 5: Analysis Summary of Covered Bridge Road & Shotwell Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	WB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	F ² -- A ¹	N/A	F ² -- A ¹	N/A
2028 No-Build	WB NB SB	1 LT, 1 RT 1 TH, 1 RT 1 LT, 1 TH	F C B	F (87)	F D E	E (77)
2028 Build	WB NB SB	1 LT, 1 RT 1 TH, 1 RT 1 LT, 1 TH	F C B	F (110)	F D E	F (106)
2028 Build – with Improvements	WB NB SB	1 LT, 1 RT 1 TH, 1 RT 1 LT, 1 TH	D E D	D (46)	F E E	F (85)
2028 Build – with Improvements/RTOR	WB NB SB	1 LT, 1 RT 1 TH, 1 RT 1 LT, 1 TH	D D D	D (39)	D C C	C (30)

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor street approach is expected to operate at LOS F during the existing weekday AM and PM peak hours. The major street left turn is expected to operate at LOS A during the existing weekday AM and PM peak hours.

Under the no-build traffic condition the intersection is expected to be signalized by the Highgate and Creech development. During the no-build and build traffic conditions the intersection is expected to operate at LOS F during the weekday AM and PM peak hours. When comparing the no-build and build traffic conditions there is a minor increase in overall

intersection delay. The westbound approach is expected to experience significant queueing during the AM peak hour. The proposed development is expected to account for 8% of the traffic along the westbound approach, and 5% along the northbound approach.

Extending the westbound right turn lane as well as modifying the signal timings were considered to improve the delay of the overall intersection. Although when looking at the build with improvements traffic condition the overall intersection continues to operate at an overall LOS F during the weekday PM peak hour, the weekday AM peak hour is expected to reduce to LOS D. Queueing along the westbound approach is expected to decrease significantly during both AM and PM peak hours.

To show how the intersection is expected to operate in a more real-world condition, a right-turns on red (RTOR) scenario with improvements analysis was also conducted. During the scenario right turns along the westbound and northbound approaches were allowed to turn on a red signal indication as they would in the field. This analysis indicates that the intersection is expected to operate at an overall LOS D during the weekday AM peak hour and LOS C during the weekday PM peak hour.

7.2. Covered Bridge Road & Smith Drive/City Road

The existing unsignalized intersection was analyzed under all traffic conditions with the existing lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports.

Table 6: Analysis Summary of Covered Bridge Road & Smith Drive/City Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	EB	1 LT, 1 TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT, 1 TH-RT	A ¹		A ¹	
	NB	1 LT-TH-RT	B ²		C ²	
	SB	1 LT-TH-RT	B ²		B ²	
2028 No-Build	EB	1 LT, 1 TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT, 1 TH-RT	A ¹		B ¹	
	NB	1 LT-TH-RT	F ²		F ²	
	SB	1 LT-TH-RT	D ²		D ²	
2028 Build	EB	1 LT, 1 TH-RT	B ¹	N/A	A ¹	N/A
	WB	1 LT, 1 TH-RT	A ¹		B ¹	
	NB	1 LT-TH-RT	F ²		F ²	
	SB	1 LT-TH-RT	E ²		E ²	

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Capacity analysis indicates that the major-street left turns are expected to operate at LOS B or better during all traffic conditions during the weekday AM and PM peak hours. The minor street approaches are expected to operate at LOS E or F during both the weekday AM and PM peak hours under future year conditions. It is not uncommon for minor streets to experience a higher delay at unsignalized intersections. The proposed development is expected to add 3 vehicles in the AM peak hour and 7 vehicles in the PM peak hour to the northbound approach of City Road. Traffic volumes are relatively low on the minor street approaches and would not be expected to meet warrants for consideration of a traffic signal.

7.3. Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1

The existing unsignalized intersection was analyzed under all traffic conditions with the existing lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports.

Table 7: Analysis Summary of Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT	A ¹ A ¹ B ² B ²	N/A	A ¹ A ¹ B ² B ²	N/A
2028 No-Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT	A ¹ A ¹ F ² C ²	N/A	A ¹ A ¹ F ² C ²	N/A
2028 Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT	A ¹ A ¹ F ² C ²	N/A	A ¹ A ¹ F ² E ²	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS E or F during the weekday AM and PM peak hours under future conditions. The major-street approaches are expected to operate at LOS A during both the weekday AM and PM peak hours. When comparing the no-build and build traffic conditions the southbound approach is expected to drop from LOS C to LOS E during the PM peak hour. It is not uncommon for minor streets to experience higher delays at unsignalized intersections. Minor Street approach traffic is expected to increase due to future development.

7.4. Covered Bridge Road & N. O'Neil Street

The existing unsignalized intersection was analyzed under all traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports.

Table 8: Analysis Summary of Covered Bridge Road & N. O'Neil Street

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	E ² A ¹ --	N/A	F ² A ¹ --	N/A
2028 No-Build	EB NB SB	1 LT, 1 RT 1 LT, 1 TH 1 TH, 1 RT	D C C	C (28)	F C C	D (42)
2028 Build	EB NB SB	1 LT, 1 RT 1 LT, 1 TH 1 TH, 1 RT	D D C	C (31)	F C C	D (47)

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Capacity analysis indicates that the minor street approach is expected to operate at LOS E during the existing weekday AM peak hour and LOS F during the weekday PM peak hour. Under no-build traffic conditions the intersection is expected to be signalized by the Highgate and Creech development. During no-build and build traffic conditions the intersection is expected to operate at LOS C during the weekday AM peak hour and LOS D during the weekday PM peak hour. When comparing the no-build and build traffic conditions the overall intersection increases by only 3 seconds in the AM and 5 seconds in the PM. In build traffic conditions, the proposed development traffic is expected to account for approximately 2% of the total vehicle traffic and queueing is not expected to increase significantly. Due to overall acceptable levels of service no additional improvements are recommended by the developer.

7.5. Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

The future unsignalized intersection was analyzed under no-build and build traffic conditions with the lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports.

**Table 9: Analysis Summary of Covered Bridge Road & Site Access
1/Steeplechase Driveway 3**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 No-Build	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT-RT	-- A ¹ C ²	N/A	-- A ¹ D ²	N/A
2028 Build	EB WB NB SB	1 LT-TH, 1 RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	B ¹ A ¹ D ² D ²	N/A	A ¹ B ¹ F ² E ²	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of no-build traffic conditions indicates the minor-street approach is expected to operate at LOS D or better during the weekday AM and PM peak hours. The major-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. Under build traffic conditions, the minor-street approaches are expected to operate at LOS D during the weekday AM peak hour and LOS E/F during the weekday PM peak hour. The major street is expected to operate at LOS B or better during the weekday AM and PM peak hours. It is not uncommon for minor streets to experience a higher delay at unsignalized intersections. Minor street traffic volumes are low and there are no queueing issues.

When comparing the no-build and build traffic conditions the northbound approach is expected to decrease in LOS during both peak hours. This decrease in LOS can be attributed

to a more conservative analysis per NCDOT Congestion Management guidelines, volumes of 4 vph were included on any movements less than 4 vph, however it is not expected that a significant number of trips would travel to/from the Steeplechase Driveway to/from the proposed development.

Turn lanes along the eastbound and westbound approaches were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* but were found to not be warranted due to low turning volumes into the development. A left turn lane is provided on westbound Covered Bridge Road for Steeplechase Driveway 3. Although an eastbound left turn lane on Covered Bridge Road was not warranted, pavement should be available to provide a short left turn lane on the eastbound approach for Site Access 1.

7.6. Covered Bridge Road and Site Access 2

The proposed intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 10. Refer to Table 10 for a summary of the analysis results. Refer to Appendix J for the Synchro capacity analysis reports.

Table 10: Analysis Summary of Covered Bridge Road & Site Access 2

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB WB SB	1 LT-TH 1 TH-RT 1 LT-RT	A ¹ -- C ²	N/A	A ¹ -- C ²	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of build traffic conditions indicates the minor-street approach of Site Access 2 is expected to operate at LOS C during the weekday AM and PM peak hours. The major street approach is expected to operate at LOS A. No significant queues are expected for any approaches.

Turn lanes along the eastbound and westbound approaches were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* but were found to not be warranted due to low turning volumes into the development. Although the intersection operates at an acceptable LOS and turn lanes are not warranted based on traffic volumes, it is possible that a left turn lane will be required by NCDOT based on traffic volumes along Covered Bride Road.

7.7. Brookhill Drive & Site Access 3

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 11. Refer to Table 11 for a summary of the analysis results. Refer to Appendix K for the Synchro capacity analysis reports.

Table 11: Analysis Summary of Brookhill Drive & Site Access 3

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	B ²		B ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS B or better during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.8. Brookhill Drive & Site Access 4

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 12. Refer to Table 12 for a summary of the analysis results. Refer to Appendix L for the Synchro capacity analysis reports.

Table 12: Analysis Summary of Brookhill Drive & Site Access 4

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.9. Brookhill Drive & Site Access 5

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 13. Refer to Table 13 for a summary of the analysis results. Refer to Appendix M for the Synchro capacity analysis reports.

Table 13: Analysis Summary of Brookhill Drive & Site Access 5

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.10. Brookhill Drive & Site Access 6

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 14. Refer to Table 14 for a summary of the analysis results. Refer to Appendix N for the Synchro capacity analysis reports.

Table 14: Analysis Summary of Brookhill Drive & Site Access 6

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.11. Brookhill Drive & Site Access 7

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 15. Refer to Table 15 for a summary of the analysis results. Refer to Appendix O for the Synchro capacity analysis reports.

Table 15: Analysis Summary of Brookhill Drive & Site Access 7

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.12. Brookhill Drive & Site Access 8

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 16. Refer to Table 16 for a summary of the analysis results. Refer to Appendix P for the Synchro capacity analysis reports.

Table 16: Analysis Summary of Brookhill Drive & Site Access 8

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	A ²		A ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.13. Brookhill Drive & Site Access 9

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 17. Refer to Table 17 for a summary of the analysis results. Refer to Appendix Q for the Synchro capacity analysis reports.

Table 17: Analysis Summary of Brookhill Drive & Site Access 9

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	A ²		A ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.14. Brookhill Drive & Site Access 10

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 18. Refer to Table 18 for a summary of the analysis results. Refer to Appendix R for the Synchro capacity analysis reports.

Table 18: Analysis Summary of Brookhill Drive & Site Access 10

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Steeplechase North development, along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. Site access to the western parcel is proposed two (2) full movement driveways along Covered Bridge Road and eight (8) full movement driveways along Brookhill Drive.

The proposed development will include up to 750 senior adult single-family residential units. This property was previously considered for development with approximately 1,200 residential units that would not be age-restricted. The current plan proposal results in a significantly lower trip generation than the previous development plan.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions
- 2028 No-Build Traffic Conditions
- 2028 Build Traffic Conditions

Trip Generation

Based on the current site plan with age-restricted units, it is estimated that the development will generate approximately 180 primary trips (59 entering and 121 exiting) during the weekday AM peak hour and 214 primary trips (130 entering and 84 exiting) during the weekday PM peak hour. Age-restricted residential units would likely be the lowest trip-generating use for the property. Traditional residential units (non-age restricted) would be expected to generate much higher trips than the proposed development plan.

Capacity Analysis Summary

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Analysis with any adjustments to the guidelines were included as a separate analysis scenario.

Covered Bridge Road & Shotwell Road

Improvements at this intersection are anticipated to be completed by other developments and include a traffic signal and turn lanes on each approach. Due to significant queuing, the proposed development can extend the westbound left turn lane on Covered Bridge Road. With the improvements, the intersection is expected to operate at an acceptable LOS. Right-turn-on-red was considered in build conditions and results in a much improved LOS during the PM peak hour which is due to the higher northbound right turns from Shotwell Road.

Covered Bridge Road & Smith Drive/City Road

Although minor street approaches are expected to operate at poor LOS in the future, traffic volumes are relatively low on Smith Drive and City Road and these low traffic volumes would not warrant consideration of a traffic signal. The proposed development is expected to add 3 vehicles in the AM peak hour and 7 vehicles in the PM peak hour to the northbound approach of City Road.

Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1

Analysis indicates both minor street approaches will operate at LOS E or F during the peak hours in the future with build out of all developments. Minor Street approach traffic is primarily future development trips.

Covered Bridge Road & N. O'Neil Street

Covered Bridge Road is proposed to be realigned to intersect O'Neil Street to the south. The intersection is anticipated to be signalized by another development which provides an acceptable LOS at the intersection. When comparing the no-build and build traffic conditions the overall intersection increases by only 3 seconds in the AM and 5 seconds in the PM. In build traffic conditions, the development trips account for approximately 2% of the total vehicle traffic.

Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

In the future, the minor-street approaches are expected to operate at LOS E/F during the weekday PM peak hour. A left turn lane is provided on westbound Covered Bridge Road for

Steeplechase Driveway 3. Although an eastbound left turn lane on Covered Bridge Road was not warranted, pavement should be available to provide a short left turn lane on the eastbound approach for Site Access 1. It is possible that a left turn lane will be required by NCDOT based on traffic volumes along Covered Bride Road.

Covered Bridge Road & Site Access 2

Although the intersection operates at an acceptable LOS and turn lanes are not warranted based on traffic volumes, it is possible that a left turn lane will be required by NCDOT based on traffic volumes along Covered Bride Road.

Brookhill Drive & All Site Access Driveways

Based on low traffic volumes, all Site Access intersections are expected to operate at good LOS with a single approach lane on the site access an no additional turn lanes on Brookhill Drive.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

Improvements by Steeplechase

Covered Bridge Road & Shotwell Road

- Construct a northbound right-turn lane with 150 feet of storage and appropriate taper.
- Construct a southbound left-turn lane with 350 feet of storage and appropriate taper.
- Construct westbound right-turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & N. O'Neil Street

- Construct a southbound right-turn lane with 275 feet of storage and appropriate taper.

Improvements by Highgate and Creech

Covered Bridge Road & Shotwell Road

- Install a traffic signal.

Covered Bridge Road & N. O'Neil Street

- Install a traffic signal.

Improvements by Ashcroft Phase 2Covered Bridge Road & N. O'Neil Street

- Construct a northbound left-turn lane with 250 feet of storage and appropriate taper.
- Construct an eastbound right-turn lane with 100 feet of storage and appropriate taper.

Recommended Improvements by DeveloperCovered Bridge Road & Shotwell Road

- Signal timings modification.
- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.

Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Covered Bridge Road & Site Access 2

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 9

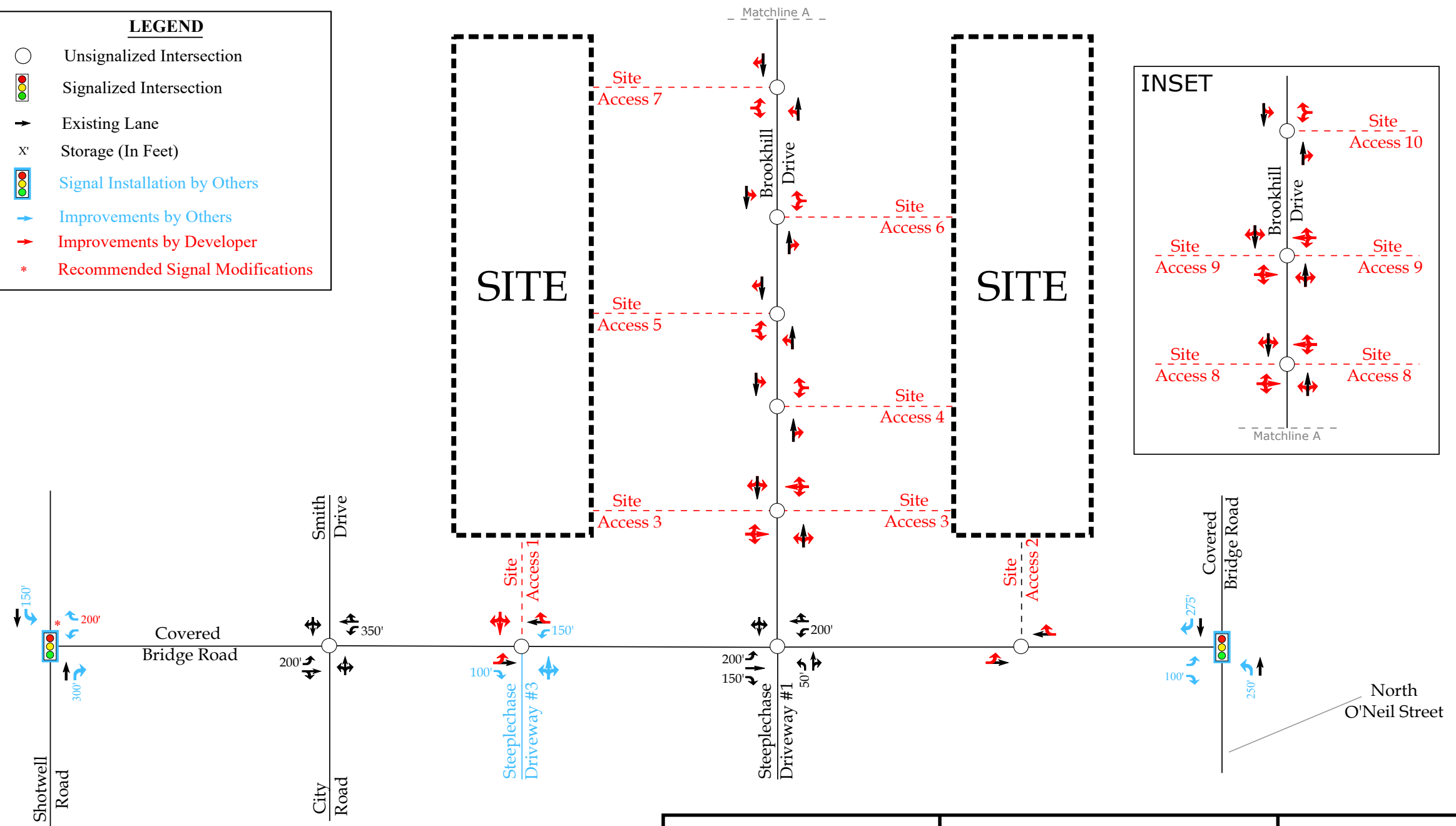
- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

LEGEND

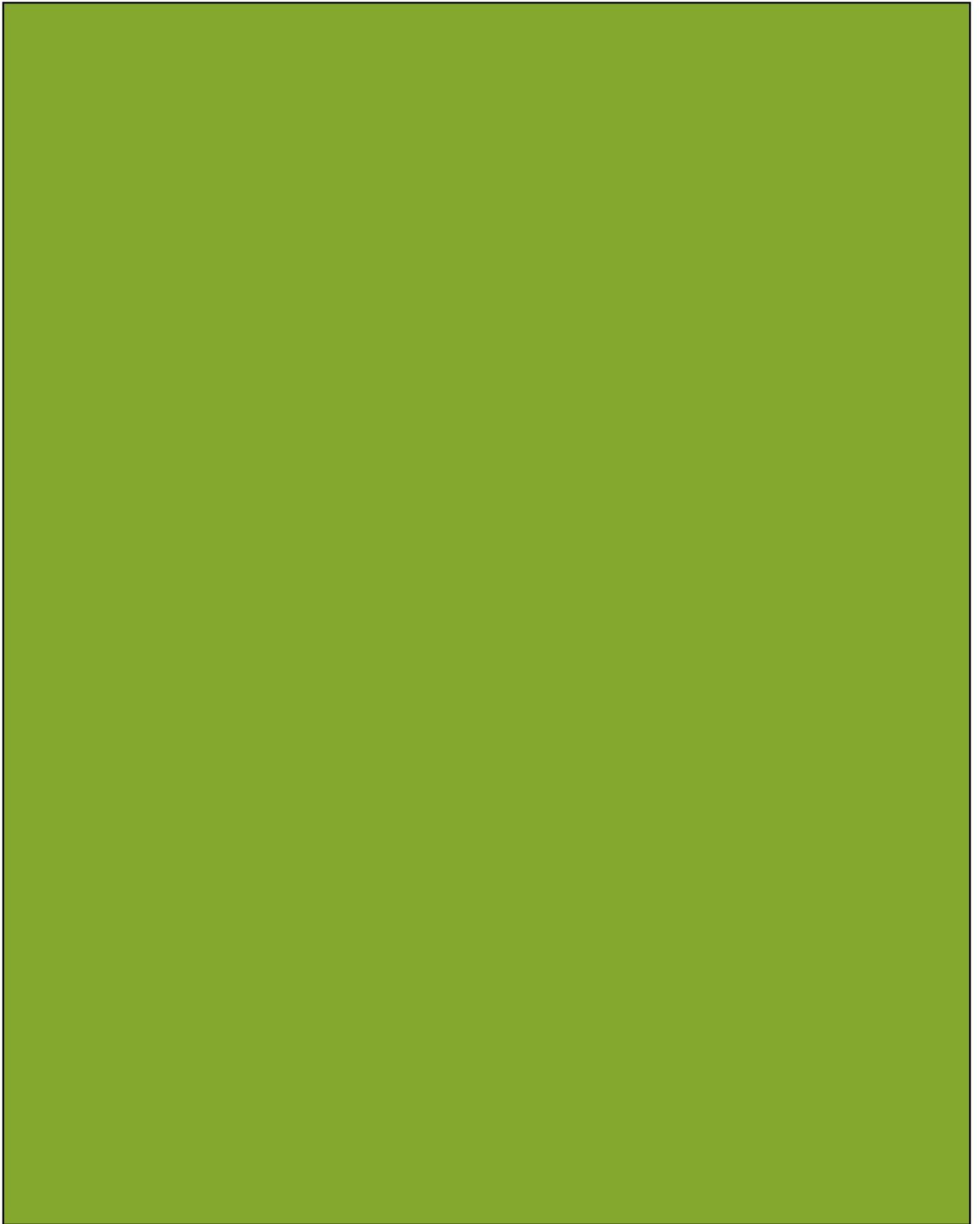
- Unsignalized Intersection
- ◻ Signalized Intersection
- Existing Lane
- x' Storage (In Feet)
- ◻ Signal Installation by Others
- Improvements by Others
- Improvements by Developer
- * Recommended Signal Modifications



Steeplechase North
Clayton, NC

Recommended Lane
Configurations

Scale: Not to Scale Figure 11



Recommend Conditions of Approval (SUB 2023-115-CZM)
Carolina Overlook North Conditional Zoning District and Master Plan

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved master plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.
4. The following uses are permitted by-right within the areas identified on the associated Master Plan:
 - Single-Family Detached
 - Townhouse
 - Park
 - Parking Lot
 - Food Truck
 - Associated Residential Accessory Uses
5. No more than 20 percent of the residential units may be constructed as Townhome units.
6. No townhome units are allowed adjacent to the existing residential subdivision/Clayton ETJ boundary to the north and northwest of the site.
7. Apartments are specifically excluded from the list of permitted uses.
8. Each Single Family detached unit shall provide either two (2) or three (3) car garage spaces and two (2) driveway parking spaces. Each Townhouse unit shall provide a minimum of one garage space and one driveway space.
9. The HOA shall maintain all areas of common open space including landscape medians at entrances and perimeter buffers.
10. At least 80 percent of the occupied dwellings in the community must be occupied by at least one occupant who is 55 years of age or older in accordance with the Housing for Older People Act (HOPA).

11. The following standards will apply to the development:
 - Maximum number of dwelling units will not exceed 750.
 - Maximum density: 2.1 units per acre.
 - Density may be modified so long as the maximum dwelling units per acre remains consistent with the approved TIA.
 - Minimum lot size: 4,400 SF (2-Unit Townhomes)
 - Minimum lot size: 4,700 SF (Single Family Detached)
 - Front loaded single family detached units will provide a minimum garage setback of 21.5 feet.
 - Townhome units will provide a minimum garage setback of 25 feet.
 - All minimum dimensional standards as specified in the Master Plan.
12. The development will include the following active amenity areas:
 - Community Clubhouse/Meeting Space with Fitness Facility
 - Outdoor Pool
 - Walking Trails
 - Fenced Dog Park
 - Pocket Parks
 - Community Garden
13. The Town of Clayton Planning Director may administratively waive the required connections to Smith Drive, Missy Lane, and William Lane due to the private status of these roadways in the Clayton ETJ.
14. Construction of the proposed clubhouse amenity and pool prior to receipt of the Certificate of Occupancy for the 375th unit/lot.
15. The widening of Brookhill Drive shall be completed by the 50th Certificate of Occupancy.
16. Active open space plans are to be submitted and reviewed separately from Construction Drawings/Site Plan.
17. Eco-friendly and energy efficient features will include three of the following: Energy efficient home tested and certified by a third party to the Duke Energy Progress HERO standards including blower door testing on all homes, 17 seer gas heat and central air conditioning installed within conditioned space, digital programmable thermostat on each HVAC system, low-E vinyl single hung windows with insulated glass, Grade 1 R-15 fiberglass batt insulation in exterior wall systems, R-38 blown fiberglass insulation in all heated ceiling areas, 50 gallon gas water heater, continuous ridge and soffit vents for maximum attic airflow, oriented strand board (OSB) exterior wall sheathing with housewrap weather protection system installed to provide comfort and energy-efficiency helping to control moisture intrusion, poly seal on windows and doors to prevent water and air intrusion, Advanced Framing Techniques utilizing California Corners, Ladder Blocking and Draft Stopping in unconditioned areas to improve energy efficiency, Subfloor installation properly fastened with upgraded fasteners and glued to joists, water saving toilets.

Equivalent energy-efficient construction material may be substituted for any items noted above.

18. HVAC units will be screened on the side fronting a public street with the use of evergreen shrubs. On corner lots, shrubbery will be added to screen the front and side of HVAC units.
19. Road Improvements from Transportation Impact Analysis (TIA) prepared by Ramey Kemp Associates (with NCDOT approval) to be constructed by developer:

Covered Bridge & Shotwell Road

- Signal timings modification.
- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.

Covered Bridge Road & Site Access #1 /Steeplechase Driveway #3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Covered Bridge Road & Site Access #2

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access #3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #9

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

20. A 30 foot undisturbed buffer will be provided along the northern boundary that abuts the Olde Mill Stream Subdivision. The undisturbed buffer will be supplemented where necessary to provide a Type C buffer.

21. The project will exceed the allowable cul-de-sac length in three (3) locations; but shall not exceed 1200 feet in length, including a branching stem. Appendix D, Section D103, of the adopted North Carolina State Fire Code allows cul-de-sacs to exceed 750 feet with approval. The excess length is due to environmental, topographic, and easement constraints. The extension of the cul-de-sac length will minimize stream crossings and environmental impacts.

22. The following Architectural Standards shall be met:

- Units will be a mixture of one-story, one and one-half stories, and two-story with a variety of elevations. Units of the same elevation shall not be side by side. Exterior color schemes will not be repeated side by side.
- Townhome units shall be limited to no more than three attached units per building.
- All homes will have a combination of two or more of the following materials on the front façade: stone, brick, lap siding, fiber cement siding, shakes or board and batten. Vinyl may be used for soffits, fascia, and corner boards.
- Vinyl siding will not be used on front, side, or rear facades with the exception of trim such as soffits, fascia, and corner boards.
- A minimum of fifty percent of all residential units shall have a covered front porch or stoop.
- Architectural style shingles to be used.
- Rear concrete pad/patio will be provided on a minimum of fifty percent of all residential units.
- To accommodate larger garage spaces and façade features, garage doors may constitute more than 50% of the width of the proposed townhomes.

23. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am in agreement with the conditions as they are outlined within this letter.

Jeff Davis
Print Name


Signature of Applicant

3/8/24
Date

Consistency Statements Sheet

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

Staff Recommends the Option in Red Bold Text

Option 1: Approval – Consistent with the Future Land Use Map

I make a motion to recommend approval of this rezoning request based on consistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The property is classified as “Low Density Residential” and “Medium Density Residential” in the Future Land Use Map.
- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- STRATEGY LU 1.1.2 Looks to support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.

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

- The Comprehensive Growth Plan encourages residential uses in this area.
- The request is compatible with existing zoning and land uses in the area.

Option 2: Approval – Inconsistent with the Future Land Use Map

I make a motion to recommend approval of this rezoning request. While the request is inconsistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- **The property is classified as “Low Density Residential” and “Medium Density Residential” in the Future Land Use Map.**
- **GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.**
- **STRATEGY LU 1.1.2 Looks to support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.**
- **GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.**
- **GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.**

- **The Future Land Use Map will be updated to be consistent with this rezoning request to an appropriate corresponding land use category, per North Carolina General Statutes, § 160D-605(a).**

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

- **The Comprehensive Growth Plan encourages residential uses in this area.**
- **The request is compatible with existing zoning and land uses in the area.**

Option 3: Denial – Consistent with the Future Land Use Map

I make a motion to recommend denial of this rezoning request, while the request is consistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The property is classified as “Low Density Residential” and “Medium Density Residential” in the Future Land Use Map.
- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- STRATEGY LU 1.1.2 Looks to support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.

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

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area.

Option 4: Denial – Inconsistent with the Future Land Use Map

I make a motion to recommend denial of this rezoning request based on inconsistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The property is classified as “Low Density Residential” and “Medium Density Residential” in the Future Land Use Map.
- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- STRATEGY LU 1.1.2 Looks to support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.

- GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.

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

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area.