



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, June 26, 2023 @ 6:00 PM
Town Council Chambers

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

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

- a. [Clayton Planning Board - Apr 24 2023 - Minutes - Pdf](#)

4. PUBLIC COMMENTS

- a. 2023-91-OA Downtown Permitted Uses Ordinance Amendment
Presenter: Ben Howell, Planning Director
[2023-91-OA Downtown Permitted Uses Ordinance Amendment - Planning - Pdf](#)

5. NEW BUSINESS

6. INFORMAL DISCUSSION AND PUBLIC COMMENT

7. ADJOURN



**Town of Clayton
Clayton Planning Board Minutes
Monday, April 24, 2023 at 6:00 PM
Town Council Chambers**

Board Members Present:

Stephen Powers
Kevin Lee
James Lipscomb
Ronald Williams
Jeffery Spence

Board Members Absent:

James Moore
Lisa Begley
Jodie Dupree
Derrick Applewhite

Staff Present:

Ben Howell, Planning Director
Bruce Venable, Planner I
Love Ott, Land Development Specialist

1 CALL TO ORDER

Vice Chair Powers called the meeting to order at 6:02pm.

2 PLEDGE OF ALLEGIANCE

3 ADJUSTMENT OF THE AGENDA

4 APPROVAL OF MINUTES

Motion: Board Member Lipscomb
Second: Board Member Williams
Result: Approved, Unanimous

5 PUBLIC COMMENT SESSIONS

- a) 2022-212-RZ Woodbriar Rezoning
Presenter: Bruce Venable, Planner I

Rezone from Residential-Estate (R-E) and Office Institutional (O-I) to Single-Family-Residential-8 (R-8).

Existing Use is vacant with some single family to the North. Located in the southeast corner of Barber Mill Road at NC HWY 42 Clayton, NC 27520 Tax ID #05H03029Z and 05G02011F.

Future Land Use Map shows is as high density residential and medium density residential.

Staff recommends approval.

Applicant Comments

Donnie Adams with Adams and Hodge Engineering
314 E. Main St.
Engineering and Planners on the project

James Lipscomb believes that this project is consistent with the Future Land Use Map

Ronald Williams asked the applicant to go through the criteria of the rezoning.

The applicant went over the criteria that the applicant meets in order to get the rezoning.

Motion: Board Member Williams
Second: Board Member Lipscomb
Result: Approve, Unanimous

- b) 2023-51-OA Sign Ordinance Amendment - String Lighting
Presenter: Ben Howell, Planning Director

Amendment to allow string lighting to be used by businesses as part of the business signage and during the holidays (November 1st-January 15th).

Staff believe the text amendment is consistent with the remainder of the chapter.

Board Member Comments

Vice Chair Powers asked if the colored lights are just for the holiday dates?

Planning Director Howell stated that this ordinance allows businesses to have white lights through the year and colored lights through the holiday dates.

Board Member Lipscomb asked how the town staff is going to get everyone in compliance?

Planning Director Howell stated if approved, staff does not have the ability to measure string wattage. If someone complains then it will be investigated but the town will not actively police the current string lights.

Motion: Board Member Lipscomb
Second: Board Member Williams
Result: Approved, Unanimous

- c) 2023-52-OA Sign Ordinance Amendment - Billboards
Presenter: Ben Howell, Planning Director

Allows the relocation of billboards if subject to annexation or development agreement.

Billboards on parcels annexed in Town must be removed within 15 years.

Staff believes that the text amendment is consistent with the remainder of the chapter.

Board Comments

Board Member Lipscomb asked if the billboards that are annexed in would have to meet today's construction standards and the building inspectors would have to deem them appropriate?

Planning Director Howell stated the text amendment does not allow any new billboards, the only flexibility this text amendment gives is for moving a billboard to be within those 2,000 feet separation.

Motion: Board Member Lee

Second: Board Member Spence

Result: Approved, Unanimous

- d) 2022-154-River Mews Conditional Zoning District and Master Plan
Presenter: Ben Howell, Planning Director

Rezone from PD-R to Conditional Zoning-Residential District, located off NC 42 East.

Mix of single-family, townhomes, multifamily, and assembly/event center

Property size: 277 acres

825 units total

240 multifamily units

246 single family

339 townhomes

TIA stated it will generate 6758 total trips.

474 AM peak hours.

607 PM peak hours

TIA and NCDOT recommended left-turn lanes at each access point.

15-foot-wide type C landscaping buffer. Existing vegetation along the Neuse River will be preserved and considered a buffer.

The proposed development is consistent with the 2045 Growth Plan in terms of density, not with recommended types of residential units.

No adverse effect on adjoining property owners

Staff recommends approval subject to the 24 conditions.

Board Comments

Board Member Lipscomb asked if 375 is inclusive of the apartments, because with apartments that size there will be separate amenities?

Planning Director Howell stated the condition was proposed by the developer. Each apartment building would be considered one CO. The developer does plan to the apartment development to have its own amenity.

Applicant Comments

Joey Brehm representing Golden Hour Collective
Daniel Perkins with Golden Hour Collective

There will be three separate clubhouses with amenities such as workout facilities, pools, fitness studios, etc.

The southeastern portion of the site has the potential to be a public park with it connecting to the Mountain to Sea trail as well as connecting to the Town.

David Bergmark, Senior Planner with McAdams the Engineering and Land Design firm.

Mr. Bergmark believes that a high percentage of attached units is warranted given the significant environmental constraints with a lot of river buffers and the restoration of a stream that was previously removed.

Board Member Lipscomb asked if the applicant could explain the traffic again?

There would be two right-in right-out driveways, approaching from the West you would drive past the U-turn then make a right into the site. It functioned well with the reduced conflict intersection design.

Board Member Lipscomb asked why there would be a comment about a potential spotlight?

The spotlight would be at the existing U-turn location between the driveways.

Board Member Lipscomb asked how does the current access ordinance relates to this project?

Planning Director Howell will look into it further, prior to the Town Council meeting.

Board Member Williams asked if the wedding venue can be rented out how is that considered public?

Mr. Bregmark stated it would be privately operated and separate from the public park donation.

Planning Director Howell stated that based on the code if the development is over 300 lots it requires three or more access points. That was an oversight by previous staff members. The board can include that in the recommendation to work out a condition to include a third access point.

Board Member Williams asked how much public parking has the applicant set aside for the public park?

Mr. Bergmark stated that the applicant would be creating the road infrastructure to get to the park but otherwise the applicant is not building the park, it is a donation.

Public Comments

Robert Miller, employee of Caterpillar representing Caterpillar. Facility and Site Manager for the site North of the proposal.

Mr. Miller stated that Caterpillar has a lot of research and development on the site. Caterpillar is about two months away from presenting to the board for a rezoning to Industrial and to do a small expansion on that parcel.

Mr. Miller wants to ensure as the parcel is used that Caterpillar creates an adequate buffer in between Caterpillar's activities and the applicants. Since the work Caterpillar is doing on site is confidential and to be a good "neighbor" to the proposed development.

Motion: Board Member Lipscomb also requested Director Howell to specifically mention Caterpillar extensively in the report to Town Council.

Second: Board Member Williams

Result: Approved, Unanimous

6 NEW BUSINESS

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

8 ADJOURN

Motion: Board Member Lipscomb

Second: Board Member Williams

Result: Approved, Unanimous

Vice Chair Powers adjourned the meeting at 7:36pm.



Clayton Planning Board Agenda Cover Sheet

Meeting Date

June 26, 2023

Agenda Location

PUBLIC HEARINGS

Item Title

2023-91-OA Downtown Permitted Uses Ordinance Amendment

Presenter(s)

Ben Howell, Planning Director

Suggested Action

Other - Recommend Approval 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: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- | | |
|--|--|
| ☐ Public Hearing (Required by GS) | ☐ Public Hearing (Not Required by GS) |
| ☐ Newspaper Notice (Required by GS) | ☐ Newspaper Notice (Not Required by GS) |
| ☐ Public Forum/Input Session | ☐ Press Release |
| ☐ E-News Distribution | ☐ Website |
| ☐ Social Media | ☐ Survey |
| ☐ Special Mailing | ☒ None Required |

Summary

The proposed Ordinance Amendment would allow "Lounge, Cocktail" and "Entertainment, Indoor" as Permitted Uses in the B-1 Zoning District. The uses are currently only allowed with approval of a Special Use Permit in the B-1 Zoning District. This Ordinance Amendment has been requested by the Economic Development Department.

Recommendation

Staff Recommends that the Planning Board recommend approval of the proposed Ordinance Amendment to Town Council.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

[1 2023-91-OA Downtown Permitted Uses Ordinance Amendment Staff Report](#)

[2 2023-91-OA Downtown Permitted Uses Ordinance Amendment-Current Code](#)

[3 2023-91-OA Downtown Permitted Uses Ordinance Amendment Redline Code](#)

[4 2023-91-OA Downtown Permitted Uses Ordinance Amendment Clean Code](#)

Meeting Timeline

June 26, 2023 - Planning Board Public Comment Session

Submitted By: Ben Howell, Planning

Reviewed By:

Ben Howell, Planning Director
Love Ott, Land Development
Specialist

Approved - Jun 20 2023
Approved - Jun 21 2023



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
June 26, 2023

STAFF REPORT

Application Number: 2023-91-OA

Project Name: Downtown Permitted Uses – Lounges and Indoor
Entertainment

Applicant: Town of Clayton

Public Noticing: Newspaper ad to be published July 5 and July 12, 2023 (pending Planning Board action)

REQUEST: Request to modify Table 2-1 in Article 2, Section 155.202(A)(2) of the Unified Development Code to allow “Lounge, Cocktail” and “Entertainment, Indoor” as Permitted Uses in the B-1 Zoning District. These uses are currently subject to a Special Use Permit in the B-1 Zoning District. This proposed amendment is in line with the proposed Unified Development Ordinance that is being created through the Codify Clayton project.

SECTIONS PROPOSED FOR AMENDMENT:

The following section of Title XV, Chapter 155 and the general description are proposed for amendment:

§155.202(A)(2), Table 2-1 – Use Regulations

STAFF ANALYSIS AND COMMENTARY:

Overview

This amendment will allow “Lounge, Cocktail” and “Entertainment, Indoor” as Permitted Uses in the B-1 Zoning District. This amendment was initiated at the request of the Economic Development Office.

Approval Criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements, and must adopt a statement describing whether the action is consistent or inconsistent with approved plans;

Response: The proposed text amendment is consistent with the remainder of the applicable chapters in the UDC. It meets the intent of the code and is consistent with all approved plans. The primary purpose of the text amendment is to allow specific uses as Permitted Uses in the B-1 Zoning District that are currently only permitted with a Special Use Permit.

Page 1 of 2

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

Response: The proposed text amendment allows for more uses as permitted uses in the B-1 Zoning District, which generally covers the downtown commercial area of Town. This amendment is in line with proposed changes in the new UDO that is being drafted through the Codify Clayton project.

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

Response: The proposed text amendment does not correct an error in Chapter 202.

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

Response: The purpose of the proposed text amendment is not to comply with state or federal statutes or case law.

CONSIDERATIONS

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

STAFF RECOMMENDATION:

Staff is recommending approval of the proposed changes to the UDC.

ATTACHMENTS:

- 1) §155.202(A)(2) Current Language
- 2) §155.202(A)(2) Redlined Changes
- 3) §155.202(A)(2) Proposed Language

ARTICLE 2: ZONING DISTRICTS

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§ 155.200 DISTRICTS ESTABLISHED

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

(A) INTERPRETATION OF ZONING DISTRICT BOUNDARIES

(1) **Defined**

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

(2) **Rules for Interpretation**

- (a) The Planning Director shall be responsible for interpretations of the Official Zoning Map and Future Land Use Map in accordance with the standards set forth in this Section. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.
 - 2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
 - 3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.

§ 155.202 LAND USE REGULATIONS

(A) USE REGULATIONS TABLE

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

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

- (a) **Permitted.** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.
- (b) **Special Use Review.** An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.
- (c) **Conditional Zoning District Required.** A "C" in a cell of the principal use table indicates that a specific use type is permitted as part of the approval of a Conditional Zoning District, provided the Conditional Zoning District request is accompanied by either a Site Plan or Master Plan and Narrative in accordance with Section 155.203(L) of this Article.
- (d) **Specific Use Section.** The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.
- (e) **Uses Not Permitted.** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:
 - 1. Open dump;
 - 2. Outdoor gun range;
 - 3. Electronic Gaming Operations; and
 - 4. Any use prohibited by an applicable overlay zoning district.

(2) **Uses**

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type			Zoning Districts												Specific Use Section
		Residential					Nonresidential								
		R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
	Residential Uses														
Group Care Home (2-6 residents)	P	P	P	P											\$155.301(A)
Group Care Home (7-12 Residents)	S	S	S	S		S	S		S						\$155.301(A)
Group Care Home (13+ Residents)							S		S						\$155.301(A)
Apartments					C										\$155.301(B)
Boarding House				S			S		S						\$155.301(C)
Duplex					C										\$155.301(G)
Manufactured Home	P														\$155.301(D)
Manufactured Home Park	S														\$155.301(E)
Nursing Home (Congregate Living Facility)	P						P		P	P					\$155.301(F)
Townhouse					C										\$155.301(H)
Security/Caretaker Quarters	P									S			S		\$155.301(I)
Single Family House	P	P	P	P		P									\$155.301(J)
Upper-story Residence						P	P	P	P	P					\$155.301(K)
Zero Lot Line House		P	P	P											\$155.301(L)
	Public and Civic Uses														
Assembly	S						P	S	S	P			P		\$155.302(A)
Cemetery	P									S			P		\$155.302(B)
Church or Place of Worship	S	S	S	S			P		P	S					\$155.302(C)
College or University							P						P		\$155.302(D)
Day Care Facility	S	S	S	S		S	P		P	P					\$155.302(E)
Government Service	S	S	S	S		P	P	P	P	P	P	P	P		\$155.302(F)
Hospital or Medical Center							P			P				P	\$155.302(G)
School (Elementary or Secondary)	S	S	S	S			P						P		\$155.302(H)
School (Technical, Trade or Business)	S	S	S	S			P			P	P	P	P		\$155.302(I)
	Recreational Uses														
Entertainment, Indoor							P	S	P	P	P		P		\$155.303(A)
Entertainment, Outdoor										S	P		P		\$155.303(B)
Fitness/Recreation Center							P	S	P	P	P		P		\$155.303(C)
Golf Course	P	P	P	P									P		\$155.303(D)
Gun Range								S		S	S	S	S		\$155.303(E)
Park	P	P	P	P		P	P	S	P				P		\$155.303(F)
Stable, Private	P														\$155.303(G)
	Agricultural Uses														
Agriculture, Livestock	S														\$155.304(A)
Agriculture, Sales and Service	P											S			\$155.304(B)
Nursery	P						P	S	P	P			P		\$155.304(C)
	Commercial Uses														
Adult Oriented Business											S				\$155.305(A)
Bed and Breakfast	P			S		S		S							\$155.305(B)
Car Wash/Auto Detailing									P	P					\$155.305(C)
Contractor Office							P			P	P	P			\$155.305(D)
Convenience Store with Gas Sales									P	P	P				\$155.305(E)
Creative Studio						P	P	P	P	P					\$155.305(F)
Financial Institution							P	S	P	P					\$155.305(G)
Funeral Home	S					P	P								\$155.305(H)
Hotel/Motel							P	S	P	P					\$155.305(I)
Kennel	S								P	P					\$155.305(J)
Laundry Services									P	P	P	P			\$155.305(K)
Lounge, Cocktail								S	S	S	S				\$155.305(L)
Microbrewery								P	S	P	P	P			\$155.305(M)
Publisher							P			P	P	P			\$155.305(N)
Office, General						P	P	P	P	P	P		P		\$155.305(O)
Office, Medical						P	P	P	P	P					\$155.305(P)

Use Type		Zoning Districts													Specific Use Section
	Residential					Nonresidential									
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Outdoor Seating/Sidewalk Cafe							P	P	P	P					\$155.305(Q)
Parking Lot							S	S	S	S	S	S	S		\$155.305(R)
Pawn Shop										P	P				\$155.305(S)
Radio or Television Studio										P	P	P			\$155.305(T)
Restaurant							P	P	P	P					\$155.305(U)
Retail Sales								P	P	P	P				\$155.305(V)
Self-storage Facility										S	P				\$155.305(W)
Service						P	P	P	P	P					\$155.305(X)
Tattoo Parlor										P					\$155.305(Y)
Towing Service and Storage										S	S	P			\$155.305(Z)
Vehicle Repair or Service										S	P	P			\$155.305(AA)
Vehicle Sales and Rental										S	P	P			\$155.305(BB)
Veterinary Clinic							P		P	P					\$155.305(CC)
Industrial Uses															
Building Supplies, Wholesale											P	P			\$155.306(A)
Crematorium											P	P			\$155.306(B)
Gas and Fuel, Wholesale											P	P	P		\$155.306(C)
Laboratory, Research							P				P	P			\$155.306(D)
Manufacturing, Light											P	P			\$155.306(E)
Manufacturing, Heavy												P			\$155.306(F)
Research and Development							P				P	P			\$155.306(G)
Warehouse, Freight Movement										S	P	P			\$155.306(H)
Utilities															
Recycling Center											S	P	P		\$155.307(A)
Renewable Energy Facility	S										S	S	S		\$155.307(B)
Telecommunication Facility	S	S	S	S		S	S	S	S	S	S	S	S		\$155.307(C)
Utility, Minor	P	P	P	P		P	P	P	P	P	P	P	P		\$155.307(D)
Utility, Major											P	P	P		\$155.307(E)
Waste Service											S	P	P		\$155.307(F)
Accessory Uses															
Accessory Dwelling Unit	S	S	S	S											155.308(C)(1)
Food Truck							P	P	P	P	P	P	P		155.308(D)(2)
Day Care Facility	S	S	S	S			P		P	P	P	P	P		155.308(D)(3)
In-Home Daycare	P	P	P	P		P									155.308(C)(3)
Park										P			P		155.308(D)(4)
Outdoor Display/Sales								P	P	P					155.308(D)(5)
Outdoor Dining							P	P	P	P					155.308(D)(6)
Outdoor Storage, Limited										S	P	P	P		155.308(D)(7)
Outdoor Storage, General											P	P	P		155.308(D)(8)
		Key:													
		P – Permitted													
		S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)													
		C – Conditional Zoning District required for this use (§155.203(I) and §155.705)													

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

ARTICLE 2: ZONING DISTRICTS

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§ 155.200 DISTRICTS ESTABLISHED

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(1) **Defined**

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(2) **Rules for Interpretation**

- (a) The Planning Director shall be responsible for interpretations of the Official Zoning Map and Future Land Use Map in accordance with the standards set forth in this Section. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
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 - 2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
 - 3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.

§ 155.202 LAND USE REGULATIONS

(A) USE REGULATIONS TABLE

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

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

- (a) **Permitted.** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.
- (b) **Special Use Review.** An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.
- (c) **Conditional Zoning District Required.** A "C" in a cell of the principal use table indicates that a specific use type is permitted as part of the approval of a Conditional Zoning District, provided the Conditional Zoning District request is accompanied by either a Site Plan or Master Plan and Narrative in accordance with Section 155.203(L) of this Article.
- (d) **Specific Use Section.** The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.
- (e) **Uses Not Permitted.** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:
 - 1. Open dump;
 - 2. Outdoor gun range;
 - 3. Electronic Gaming Operations; and
 - 4. Any use prohibited by an applicable overlay zoning district.

(2) **Uses**

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type		Zoning Districts														Specific Use Section
		Residential					Nonresidential									
		R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Residential Uses																
Group Care Home (2-6 residents)	P	P	P	P												§155.301(A)
Group Care Home (7-12 Residents)	S	S	S	S		S	S		S							§155.301(A)
Group Care Home (13+ Residents)							S		S							§155.301(A)
Apartments					C											§155.301(B)
Boarding House				S			S		S							§155.301(C)
Duplex					C											§155.301(G)
Manufactured Home	P															§155.301(D)
Manufactured Home Park	S															§155.301(E)
Nursing Home (Congregate Living Facility)	P						P		P	P						§155.301(F)
Townhouse					C											§155.301(H)
Security/Caretaker Quarters	P									S			S			§155.301(I)
Single Family House	P	P	P	P		P										§155.301(J)
Upper-story Residence						P	P	P	P	P						§155.301(K)
Zero Lot Line House		P	P	P												§155.301(L)
Public and Civic Uses																
Assembly	S						P	S	S	P				P		§155.302(A)
Cemetery	P									S				P		§155.302(B)
Church or Place of Worship	S	S	S	S			P		P	S						§155.302(C)
College or University							P							P		§155.302(D)
Day Care Facility	S	S	S	S		S	P		P	P						§155.302(E)
Government Service	S	S	S	S		P	P	P	P	P	P	P	P	P		§155.302(F)
Hospital or Medical Center							P			P				P		§155.302(G)
School (Elementary or Secondary)	S	S	S	S			P							P		§155.302(H)
School (Technical, Trade or Business)	S	S	S	S			P			P	P	P	P	P		§155.302(I)
Recreational Uses																
Entertainment, Indoor							P	SP	P	P	P			P		§155.303(A)
Entertainment, Outdoor										S	P			P		§155.303(B)
Fitness/Recreation Center							P	S	P	P	P			P		§155.303(C)
Golf Course	P	P	P	P										P		§155.303(D)
Gun Range								S		S	S	S	S	S		§155.303(E)
Park	P	P	P	P		P	P	S	P					P		§155.303(F)
Stable, Private	P															§155.303(G)
Agricultural Uses																
Agriculture, Livestock	S															§155.304(A)
Agriculture, Sales and Service	P											S				§155.304(B)
Nursery	P						P	S	P	P				P		§155.304(C)
Commercial Uses																
Adult Oriented Business											S					§155.305(A)
Bed and Breakfast	P			S		S		S								§155.305(B)
Car Wash/Auto Detailing									P	P						§155.305(C)
Contractor Office							P			P	P	P				§155.305(D)
Convenience Store with Gas Sales									P	P	P					§155.305(E)
Creative Studio						P	P	P	P	P						§155.305(F)
Financial Institution							P	S	P	P						§155.305(G)
Funeral Home	S					P	P									§155.305(H)
Hotel/Motel							P	S	P	P						§155.305(I)
Kennel	S								P	P						§155.305(J)
Laundry Services									P	P	P	P	P			§155.305(K)
Lounge, Cocktail								SP	S	S	S					§155.305(L)
Microbrewery								P	S	P	P	P	P			§155.305(M)
Publisher							P			P	P	P				§155.305(N)
Office, General						P	P	P	P	P	P			P		§155.305(O)
Office, Medical						P	P	P	P	P						§155.305(P)

Use Type		Zoning Districts													Specific Use Section
	Residential					Nonresidential									
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Outdoor Seating/Sidewalk Cafe							P	P	P	P					\$155.305(Q)
Parking Lot							S	S	S	S	S	S	S		\$155.305(R)
Pawn Shop										P	P				\$155.305(S)
Radio or Television Studio										P	P	P			\$155.305(T)
Restaurant							P	P	P	P					\$155.305(U)
Retail Sales								P	P	P	P				\$155.305(V)
Self-storage Facility										S	P				\$155.305(W)
Service						P	P	P	P	P					\$155.305(X)
Tattoo Parlor										P					\$155.305(Y)
Towing Service and Storage										S	S	P			\$155.305(Z)
Vehicle Repair or Service										S	P	P			\$155.305(AA)
Vehicle Sales and Rental										S	P	P			\$155.305(BB)
Veterinary Clinic							P		P	P					\$155.305(CC)
Industrial Uses															
Building Supplies, Wholesale											P	P			\$155.306(A)
Crematorium											P	P			\$155.306(B)
Gas and Fuel, Wholesale											P	P	P		\$155.306(C)
Laboratory, Research							P				P	P			\$155.306(D)
Manufacturing, Light											P	P			\$155.306(E)
Manufacturing, Heavy												P			\$155.306(F)
Research and Development							P				P	P			\$155.306(G)
Warehouse, Freight Movement										S	P	P			\$155.306(H)
Utilities															
Recycling Center											S	P	P		\$155.307(A)
Renewable Energy Facility	S										S	S	S		\$155.307(B)
Telecommunication Facility	S	S	S	S		S	S	S	S	S	S	S	S		\$155.307(C)
Utility, Minor	P	P	P	P		P	P	P	P	P	P	P	P		\$155.307(D)
Utility, Major											P	P	P		\$155.307(E)
Waste Service											S	P	P		\$155.307(F)
Accessory Uses															
Accessory Dwelling Unit	S	S	S	S											155.308(C)(1)
Food Truck							P	P	P	P	P	P	P		155.308(D)(2)
Day Care Facility	S	S	S	S			P		P	P	P	P	P		155.308(D)(3)
In-Home Daycare	P	P	P	P		P									155.308(C)(3)
Park										P			P		155.308(D)(4)
Outdoor Display/Sales								P	P	P					155.308(D)(5)
Outdoor Dining							P	P	P	P					155.308(D)(6)
Outdoor Storage, Limited										S	P	P	P		155.308(D)(7)
Outdoor Storage, General											P	P	P		155.308(D)(8)
		Key:													
		P – Permitted													
		S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)													
		C – Conditional Zoning District required for this use (§155.203(I) and §155.705)													

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

ARTICLE 2: ZONING DISTRICTS

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§ 155.200 DISTRICTS ESTABLISHED

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

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

(1) **Defined**

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

(2) **Rules for Interpretation**

- (a) The Planning Director shall be responsible for interpretations of the Official Zoning Map and Future Land Use Map in accordance with the standards set forth in this Section. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
 3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.

§ 155.202 LAND USE REGULATIONS

(A) USE REGULATIONS TABLE

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

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

- (a) **Permitted.** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.
- (b) **Special Use Review.** An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.
- (c) **Conditional Zoning District Required.** A "C" in a cell of the principal use table indicates that a specific use type is permitted as part of the approval of a Conditional Zoning District, provided the Conditional Zoning District request is accompanied by either a Site Plan or Master Plan and Narrative in accordance with Section 155.203(L) of this Article.
- (d) **Specific Use Section.** The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.
- (e) **Uses Not Permitted.** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:
 - 1. Open dump;
 - 2. Outdoor gun range;
 - 3. Electronic Gaming Operations; and
 - 4. Any use prohibited by an applicable overlay zoning district.

(2) **Uses**

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type			Zoning Districts												Specific Use Section
		Residential					Nonresidential								
		R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
	Residential Uses														
Group Care Home (2-6 residents)	P	P	P	P											\$155.301(A)
Group Care Home (7-12 Residents)	S	S	S	S		S	S		S						\$155.301(A)
Group Care Home (13+ Residents)							S		S						\$155.301(A)
Apartments					C										\$155.301(B)
Boarding House				S			S		S						\$155.301(C)
Duplex					C										\$155.301(G)
Manufactured Home	P														\$155.301(D)
Manufactured Home Park	S														\$155.301(E)
Nursing Home (Congregate Living Facility)	P						P		P	P					\$155.301(F)
Townhouse					C										\$155.301(H)
Security/Caretaker Quarters	P									S			S		\$155.301(I)
Single Family House	P	P	P	P		P									\$155.301(J)
Upper-story Residence						P	P	P	P	P					\$155.301(K)
Zero Lot Line House		P	P	P											\$155.301(L)
	Public and Civic Uses														
Assembly	S						P	S	S	P			P		\$155.302(A)
Cemetery	P									S			P		\$155.302(B)
Church or Place of Worship	S	S	S	S			P		P	S					\$155.302(C)
College or University							P						P		\$155.302(D)
Day Care Facility	S	S	S	S		S	P		P	P					\$155.302(E)
Government Service	S	S	S	S		P	P	P	P	P	P	P	P		\$155.302(F)
Hospital or Medical Center							P			P			P		\$155.302(G)
School (Elementary or Secondary)	S	S	S	S			P						P		\$155.302(H)
School (Technical, Trade or Business)	S	S	S	S			P			P	P	P	P		\$155.302(I)
	Recreational Uses														
Entertainment, Indoor							P	P	P	P	P		P		\$155.303(A)
Entertainment, Outdoor										S	P		P		\$155.303(B)
Fitness/Recreation Center							P	S	P	P	P		P		\$155.303(C)
Golf Course	P	P	P	P									P		\$155.303(D)
Gun Range								S		S	S	S	S		\$155.303(E)
Park	P	P	P	P		P	P	S	P				P		\$155.303(F)
Stable, Private	P														\$155.303(G)
	Agricultural Uses														
Agriculture, Livestock	S														\$155.304(A)
Agriculture, Sales and Service	P											S			\$155.304(B)
Nursery	P						P	S	P	P			P		\$155.304(C)
	Commercial Uses														
Adult Oriented Business											S				\$155.305(A)
Bed and Breakfast	P			S		S		S							\$155.305(B)
Car Wash/Auto Detailing									P	P					\$155.305(C)
Contractor Office							P			P	P	P			\$155.305(D)
Convenience Store with Gas Sales									P	P	P				\$155.305(E)
Creative Studio						P	P	P	P	P					\$155.305(F)
Financial Institution							P	S	P	P					\$155.305(G)
Funeral Home	S					P	P								\$155.305(H)
Hotel/Motel							P	S	P	P					\$155.305(I)
Kennel	S								P	P					\$155.305(J)
Laundry Services									P	P	P	P			\$155.305(K)
Lounge, Cocktail								P	S	S	S				\$155.305(L)
Microbrewery								P	S	P	P	P			\$155.305(M)
Publisher							P			P	P	P			\$155.305(N)
Office, General						P	P	P	P	P	P		P		\$155.305(O)
Office, Medical						P	P	P	P	P					\$155.305(P)

Use Type		Zoning Districts													Specific Use Section
	Residential					Nonresidential									
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Outdoor Seating/Sidewalk Cafe							P	P	P	P					\$155.305(Q)
Parking Lot							S	S	S	S	S	S	S		\$155.305(R)
Pawn Shop										P	P				\$155.305(S)
Radio or Television Studio										P	P	P			\$155.305(T)
Restaurant							P	P	P	P					\$155.305(U)
Retail Sales								P	P	P	P				\$155.305(V)
Self-storage Facility										S	P				\$155.305(W)
Service						P	P	P	P	P					\$155.305(X)
Tattoo Parlor										P					\$155.305(Y)
Towing Service and Storage										S	S	P			\$155.305(Z)
Vehicle Repair or Service										S	P	P			\$155.305(AA)
Vehicle Sales and Rental										S	P	P			\$155.305(BB)
Veterinary Clinic							P		P	P					\$155.305(CC)
Industrial Uses															
Building Supplies, Wholesale											P	P			\$155.306(A)
Crematorium											P	P			\$155.306(B)
Gas and Fuel, Wholesale											P	P	P		\$155.306(C)
Laboratory, Research							P				P	P			\$155.306(D)
Manufacturing, Light											P	P			\$155.306(E)
Manufacturing, Heavy												P			\$155.306(F)
Research and Development							P				P	P			\$155.306(G)
Warehouse, Freight Movement										S	P	P			\$155.306(H)
Utilities															
Recycling Center											S	P	P		\$155.307(A)
Renewable Energy Facility	S										S	S	S		\$155.307(B)
Telecommunication Facility	S	S	S	S		S	S	S	S	S	S	S	S		\$155.307(C)
Utility, Minor	P	P	P	P		P	P	P	P	P	P	P	P		\$155.307(D)
Utility, Major											P	P	P		\$155.307(E)
Waste Service											S	P	P		\$155.307(F)
Accessory Uses															
Accessory Dwelling Unit	S	S	S	S											155.308(C)(1)
Food Truck							P	P	P	P	P	P	P		155.308(D)(2)
Day Care Facility	S	S	S	S			P		P	P	P	P	P		155.308(D)(3)
In-Home Daycare	P	P	P	P		P									155.308(C)(3)
Park										P			P		155.308(D)(4)
Outdoor Display/Sales								P	P	P					155.308(D)(5)
Outdoor Dining							P	P	P	P					155.308(D)(6)
Outdoor Storage, Limited										S	P	P	P		155.308(D)(7)
Outdoor Storage, General											P	P	P		155.308(D)(8)
		Key:													
		P – Permitted													
		S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)													
		C – Conditional Zoning District required for this use (§155.203(l) and §155.705)													

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)