



**Town of Clayton
Town of Clayton Planning Board Agenda
Monday, September 26, 2022 @ 6:00 PM
Town Council Chambers**

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

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADJUSTMENT OF THE AGENDA**
- 4. APPROVAL OF MINUTES**
 - a. [July 25, 2022 - DRAFT MINUTES](#)
 - b. [September 12, 2022 Codify Clayton Steering Committee - DRAFT MINUTES](#)
- 5. CODIFY CLAYTON: UDC STEERING COMMITTEE MEETING #5**
 - a. Annotated Outline Discussion
Presenter: Chad Meadows of CodeWright, LLC
[Codify Clayton Annotated Outline 9-12-22](#)
[Codify Clayton UDC Annotated Outline 9-12-22 Presentation](#)
- 6. PLANNING DIRECTOR UPDATE**
- 7. ADJOURN**



**Town of Clayton
Clayton Planning Board Minutes
Monday, July 25, 2022 at 6:00 PM
Town Council Chambers**

Board Members Present:

Stephen Powers
Andria Archer
Ethan Bennett
James Lipscomb
Kevin Lee
Lisa Begley
Jeffery Spence

Board Members Absent:

Ronald Williams
Jodie Dupree
James Moore

Staff Present:

Ben Howell-Planning Director
Aaron Prichard-Planner II
Bruce Venable-Planner I-Trainee
Love Ott-Land Development Specialist

1 CALL TO ORDER

- a) Vice Chair Powers calls the session to order at 6:05pm

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

- a) June 27, 2022 Minutes
Motion for Approval: Board Member Lipscomb
Second: Board Member Begley

RESULT: CARRIED Unanimous

- b) March 28, 2022 Minutes
Motion for Approval: Board Member Bennett
Second: Board Member Lee

RESULT: CARRIED Unanimous

4 PUBLIC HEARINGS

- a) 2022-69-RZ Jason & Vilamon Carroll Rezoning
Presenter: Aaron Prichard-Planner II

Rezone from Highway Business (B-3) to Central Business (B-1)
Existing Use: Vacant

Property Size: 0.077 acres

Staff stated that the applicant is proposing the rezoning because the existing zoning designation of the site is B-3, and the parcel does not meet the minimum lot size. The requested rezoning is consistent with the 2045 Comprehensive Growth Plan, which is downtown support.

The applicant has not presented a site plan; however, it is intended to be a commercial use.

Staff brought up concerns of spot zoning, because the surrounding property is not zoned B-1, and the proposed rezoning would create a small lot zoned B-1 that is surrounded by other zoning districts.

There is a parcel to the north of the property that has discussed with staff a desire to rezone to B-1, which would remove the spot zoning concern.

Regarding the current zoning district, the lot is currently non-conforming, as it is below the minimum lot size and minimum lot width.

Staff is not making a recommendation on the proposed rezoning because of the spot zoning concerns.

Planning Board member Lipscomb states that he supports this rezoning, because he believes it fits the B-1 zoning.

Motion for Approval: Board Member Lipscomb

Second: Board Member Bennett

RESULT: CARRIED Unanimous

- b) 2022-92-RZ Town Property Rezoning
Presenter: Bruce Venable-Planner I-Trainee

Staff reported that this was a request to rezone 63 Town Properties to Public Facilities with a variety of uses and noted that locations 18 and 53 have been removed from the rezoning application.

Staff finds that it is compatible and consistent with Growth Plan 2045.

Staff recommends approval.

Planning Board member Bennett asked why the two sites were removed.

Staff stated that the two sites have been identified for potential projects that may require rezoning.

Planning Board member Bennett then asked if all properties are owned by the town, and Planner I-Trainee Venable stated that they were.

Planning Board member Powers asked if he listed off everything that can be used within the zoning

Planner I-Trainee Venable stated that he did not list every use that the properties can use.

An adjacent property owner stated that he is concerned that the Town property proposed for rezoning near him may be used for a greenway, and he has concerns about this because of a natural habitat for wildlife and stated that he wants the Town of Clayton to preserve the nature that is left.

Planning Board member Powers asked if staff could give insight on what the properties will be used for.

Planner I-Trainee Venable showed the board an image from the Town's Draft Pedestrian Plan for the subject area that proposed a greenway.

Planning Board member Powers asked if there will public input with what will be done with the land.

Planner I-Trainee Venable stated that there will public input for the approval of construction, Director Howell confirmed. Resident stated that there are already bike paths and chosen trails on the website, Director Howell stated that there are no plans with the land as of right now.

Once there are plans for the town there will be an opportunity for public input.

The town cannot say what will go on the property at this time.

Planning Board member Bennett stated that this allows the land to conform with the law.

A resident stated concern that his property will be within the Town of Clayton and the natural wetlands. Planning Board member Powers stated that it is currently zoned, and all this is doing is changing the zoning to be more consistent with the Growth Plan 2045.

A representative for homeowners on Little Creek Church Rd. near the cemetery asked if the cemetery property will be affected. Staff responded that it is currently zoned for residential and is not affected.

Motion for Approval: Board Member Bennett

Second: Board Member Spence

RESULT: CARRIED Unanimous

- c) 2022-126-OA UDC Technical Amendments
Presenter: Aaron Prichard-Planner II

Staff noted that the three sections that are proposed to be amended are 155.301 (K), 155.705 (L), 155.716 (D).

The proposed amendments will make the code consistent with NC accessibility code, clarify requirements for applicants, and ensure the code remains consistent with current case law.

Planning Board member Powers wanted clarification on amendment 155.301.

Director Howell stated that the issue comes from the number of dwelling units that a potential mixed use may have without an elevator; the NC Accessibility Code requires an Accessible unit if the total number of residential units in a mixed-use building is over a certain number; in a building without an elevator, any Accessible units would be required to be placed on the first floor. Planning Board member Begley wanted clarification on 155.301, asking if existing developments will be grandfathered in. Director Howell stated that staff does not believe there will be any grandfathered developments.

Motion for Approval: Board Member Lipscomb

Second: Board Member Begley

RESULT: CARRIED Unanimous

5 NEW BUSINESS

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

7 PLANNING DIRECTOR UPDATE

Staff has signed contracts for both small area plans and expects more information will be posted in about a month.

Both plans are likely to end in March or April of 2023. Planning Board member Lipscomb

asked if the Downtown Plan is an update. Director Howell stated that it is intended to be an Update but will feel like a new Plan. Planning Board member Lipscomb asked if they will be looking at code, and Director Howell stated yes, the goal is to have it complete before the UDO. Director Howell stated that the budget allows each planning board member to have a membership to the American Planning Association and the APA also has training for Planning Boards. Planning Board member Bennett asked for clarification on the areas that the two small area plans covered.

A resident recommends adding the Pledge of Allegiance to begin each meeting, the Board unanimously agrees to add the Pledge of Allegiance to the agenda.

8 ADJOURN

Motion to Adjourn by Bennett

Motion: Bennett

Second: Begley

Vote: Unanimous

Adjournment of meeting at 7:10pm

Codify Clayton Meeting #4

September 12, 2022 @ 6:00

Board Members Present:

Ethan Bennett
Jim Perricone
Kevin Lee
Stephen Powers
Rebecca Berry
Ronald Williams
James Lipscomb
Lisa Begley
Marty Bizzell
James Moore

Board Members Absent:

Jodie Dupree
Thomas Antoine
Jeffery Spence

1. Call to Order

a.) Chair Moore calls the meeting to order at 6:02pm

Planning Director Howell explains what the agenda of the meeting will entail, the board will have the annotated outline for a few weeks then on 9/26/22 will be able to ask questions.

Chad Meadows highlights the project's seven goals. When the drafting phase starts the board will go more in depth with the goals. He encourages the board to look back at the UDC Review table.

Mr. Meadows provided an overview of the Annotated Outline, explaining that it shows the format, chapters, style, layout, procedures, districts, uses, exploration of proposed development standards.

Board Member Perricone asked will the final product be searchable. Chad Meadows answered yes.

As the Table of Primary Uses was reviewed, Board Member Berry brought up accessibility concerns with the yellow color for some rows. Chad Meadows indicates that the yellow will not be included in the final product, it is just used for review. Mr. Meadows continued reviewing the Annotated Outline, summarizing each Chapter:

Chapter 1: Administration (pg. 12)

Sets down the set of rules that must be followed. Blend of thoughts and notes, also with actual code language.

Board Member Perricone asked when the procedure flow charts are shown what is the time frame?

Chad Meadows says that it is up to staff on if the time frame should be included.

Planning Director Howell says the staff did not want to include the time frames on the charts because it is harder to change the time frame within the code document. Because it will take a 2–3-month process to change the time frame.

Board Member Perricone has concerns with accountability and predictability when there is no time frame.

Board Member Berry asked if there could be a hyper-link in the code to the process and time frame. Mr. Meadows states that it could be difficult because the link may die if the code it moved.

Chapter 2: Applications

Chapter intro on how the chapter is organized.

Chapter includes 34 new development procedures in the new UDO.

The UDO is structured that special of use applications go to Board of Adjustment not Town Council.

Way fewer special use permits with new UDO.

Planning Director Howell states that a lot of this was the thought process was to keep the quasi-judicial with quasi-judicial. The council may not want that authority moved to BOA.

Board Chair Moore is concerned that there are too many decisions given to the planning staff. Has the idea of having an auditor to ensure there is no persuasion. Wants a check and balance process. Wants the columns changed between “C” and “D”. Chad Meadows states that those columns will be changed.

Board Member Powers questioned if the decision would go to the planning director or the staff. Chad Meadows states the final decision goes to the planning director; his name is on the document.

Chad Meadows highlights the conditional rezoning limited use, limited standard, master planned rezoning.

Board Member Berry asked if all of this has been decided with the Master Plan. Chad Meadows states that the suggestions are those that will be suggested for the Master Plan.

Chapter 3: Zoning Districts

District Translation Table: the current zoning districts and how the board will change the district names to reach the town's goals.

Chapter 4: Land Use

Proposed list of uses. The yellow rows are the uses that are in the current use table, which will allow the board to compare. The yellow rows will not be included within the final product it is just for the review process. Current use table is very short which is not common in most municipalities.

Planning Director Howell states that all the uses will have a definition of what exactly it is as well as standards.

Board Member Berry states that how makes the decision when there is use that is not listed. Chad Meadows states that there is an un-listed use part of the document.

Districts, Procedures, and Uses chapters are the most important chapters to make comments on.

Planning Director Howell and Mr. Meadows ended the meeting asking the Committee to spend the next two weeks reviewing the Annotated Outline and come prepared with questions on September 26th. They also reminded the Committee of the Public Forum on September 29th and the Town Council Work Session on October 3rd to review the Annotated Outline.

The meeting was adjourned at 7:38pm.

UNIFIED DEVELOPMENT ORDINANCE



 C O D I F Y
CLAYTON

ANNOTATED OUTLINE

9.12.22 Draft



ACKNOWLEDGEMENTS



Town Council

Jody McLeod, Mayor
Jason Thompson, Mayor Pro Tem
Avery Everett, Councilmember
Andria Archer, Councilmember
Porter Casey, Councilmember
Michael Sims, Councilmember

Planning Board

James Moore, Chair
Steven Powers, Vice-Chair
Jeffrey Spence
Lisa Begley
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, Interim Town Manager
Lee Barbee, Interim Deputy Town Manager/Fire Chief
Robert Yarborough, Senior Building Codes Official
Anthony Atkinson, Deputy Fire Chief/Fire Marshal
Joshua Baird, Town Engineer
Jonathan Jacobs, Assistant Town Engineer
Byron Poelman, Water Resources Director
Allen Turnage, Electric Director
Ethan Poppe, Energy Services Technician
Benjamin Howell, Planning Director
Dede Bumgarner, Development Services Manager
Aaron Prichard, Planner II
Bruce Venable, Planner I

Consultant

CodeWright Planners, LLC
Timmons Group



UDO AMENDMENTS

UDO AMENDMENTS ¹		
ORDINANCE NUMBER	ORDINANCE DATE	DESCRIPTION
UDOTA-1-23	13.32.23	A short description listing the main sections modified and an abbreviated summary of the changes Section 1.1: added language Section 3.5: section deleted Section 4.2: Some other change, etc.
UDOTA-2-23	13.32.23	Another description and summary from a subsequent round of text amendments

¹ This is a sample table showing a possible method for the Town to record edits to the UDO text following adoption. The table lists amending ordinance numbers and adoption dates. It also provides a short description of each amendment. This table would be updated as part of any proposed UDO text amendment. In addition to this table, amended sections of the UDO text should be appended with an editor's note indicating the date the section was amended and the applicable ordinance number. The Town should make historical text amendment ordinances available for public review so readers can easily see how the UDO language has evolved over time. One other important aspect is the date in the lower right hand corner of each page. This is the control method the Town and applicants can use to ensure they are using the latest version of the UDO.



ABOUT THIS ANNOTATED OUTLINE

This document is an Annotated Outline of Clayton's draft Unified Development Ordinance (or "UDO"), which is being developed as part of the Town's Codify Clayton process (www.codifyclayton.com).²

A UDO is the legal document the Town uses to protect public's health, safety, and welfare with respect to the use of land and the establishment of development in Town. A UDO establishes what kinds of land uses may be permitted in which locations, the process the Town will use to consider applications for the establishment of new land uses, and how land uses/sites should be operated to protect public safety and support the Town's adopted goals for its future. The UDO applies to land located within the Town's corporate limits as well as its extra-territorial jurisdiction.

This annotated outline is an abbreviated or summary version of the proposed UDO. It identifies the "look and feel" of the forthcoming UDO document. It illustrates the proposed numbering scheme, text attributes, and page layout. It also identifies the chapter names and their sequence. It lists the main sections and sub-sections within in each chapter and the appendix. In addition, it provides a brief summary of the contents of each main section and sub-section in the document.

The contents of this annotated outline will be modified and expanded during the Codify Clayton process to become the Town's new UDO. The new UDO, if adopted by the Town Council, will replace the Town's current development regulations found in Chapter 155 of the Town Code of Ordinances - (https://codelibrary.amlegal.com/codes/claytonnc/latest/clayton_nc/0-0-0-4607). The new UDO will also consolidate Chapter 151, Flood Damage Prevention, Chapter 156, Soil Erosion, and Chapter 158, Stormwater, with the other development-related material in Chapter 155.

This annotated outline proposes 8 chapters that are listed in alphabetic order. Each chapter is designed to consolidate similar kinds of standards, like review procedures, zoning district requirements, use standards, and so forth. The first page of each chapter includes a table of contents of sections and sub-sections within each chapter (which is also organized in alphabetic sequence to the degree possible).

The top of almost every page of this annotated outline identifies the chapter name and number, the main section name and number, and the sub-section found on that particular page. This allows readers to quickly thumb through the document using only the page tops as navigation aids. Page numbers are included on the bottom and are sequential. Each page footer also bears the date that the document was last updated.

All of the material included in this annotated outline is based upon the Diagnosis Report, which was the end product of Task 2 of the Codify Clayton project. The Diagnosis may be reviewed on the project website at www.codifyclayton.com.

² NOTE TO STAFF: This kind of section is becoming a common way of introducing a code user to the basic operational features of a digital development code. It typically includes details on the dynamic links in tables of contents, cross references, and the index. It explains what dynamic cross references look like along with other attributes of the text. One possible addition to this part of the document could be the addition of frequently asked questions (and answers). This provides a uniform foundation of knowledge about the UDO and how it operates for Town staff, code users, and Town officials. It is specifically identified as supplementary and illustrative in nature and is not part of the adopted UDO text. Please advise if the Town would like to include an FAQ table with this section.



ABOUT THIS ANNOTATED OUTLINE

The goals for this annotated outline and the new UDO that is anticipated to be derived from this outline are as follows:

1. Make the regulations more user-friendly
2. Implement the Town's Adopted Policy Guidance
3. Raise the bar for development quality and design
4. Ensure the development review process is predictable
5. Incorporate incentives and flexibility
6. Foster re-use and redevelopment
7. Provide a greater range of housing choice

Questions about this annotated outline, the new UDO, or any part of the Codify Clayton project may be posted on the project website, or applicants may contact the Planning Department at 919-359-9364.



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Chapter 1 Administration

Section 1.1 Applicability

Sub-section 1.1.1 Generally

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KEY CHANGES FROM CURRENT UDC

Text here to be updated during Task 4, Drafting



1.1 APPLICABILITY

This section replaces Section 106 of the UDC. It identifies the range of development subject to or exempted from the UDO. It also describes the geographic area where the rules apply (Jurisdiction).

1.1.1 GENERALLY

Establishes that the UDO applies to all lands within the Town's corporate limits, its extraterritorial jurisdiction (ETJ), and any lots subject to development agreements outside of these areas but that stipulate UDO applicability.

1.1.2 APPLICATION TO GOVERNMENTAL UNITS

Clarifies that the UDO applies to lands and development owned or operated by the Town of Clayton, Johnston County, the State of North Carolina, public subdivisions of the State, public colleges, or universities in accordance with NCGS§160D-913. The section also encourages development and activities undertaken by the federal government to comply with the UDO.

1.1.3 JURISDICTION³

This section replaces Section 104 of the UDC and removes the provisions related to the Future Land Use Map as this map is a policy document, not a regulatory document.

A. GENERALLY

Clarifies that the UDO governs all development and use of land within the Town's planning jurisdiction except for the developments and use of land categorically exempted by the UDO or State law.

B. EXEMPTIONS

Clarifies the forms of development that are generally exempted from the UDO, including agriculture and agri-tourism activities taking place on a bona fide farm, forestry activities on a bona fide farm or subject to an approved forestry management plan, division of land as part of a will or NC intestate succession laws. The section clarifies that bona fide farms and land taxed under present use value are NOT exempted from the UDO's subdivision, flood damage prevention, and watershed protection provisions.

C. ANNEXATION

Clarifies that the provisions of the UDO are made applicable at the time of annexation.

D. EXTRATERRITORIAL JURISDICTION

Clarifies that in cases where the Town is seeking approval of ETJ extension from a county government, the Town may review development applications from the area subject to the ETJ request in accordance with NCGS§160D-204.

1.1.4 MINIMUM REQUIREMENTS

Clarifies that the standards in the UDO are minimum standards, unless otherwise noted or subject to a Town-approved reduction.

³ NOTE TO STAFF: Are there any instances of parcels with split jurisdictions subject to 160D-203?



Chapter 1 Administration

Section 1.2 Authority

Sub-section 1.1.5 No Development Until
Compliance with All Applicable Laws

1.1.5 NO DEVELOPMENT UNTIL COMPLIANCE WITH ALL APPLICABLE LAWS

Clarifies that development and development related activities should not be undertaken except in compliance with the applicable provisions of the UDO. Including: grading, excavation, tree removal, building occupancy, construction, transfer of lots, or double-counting of required areas.

1.2 AUTHORITY

Carries forward Section 101 from the current UDC with additional clarity regarding special legislation.

1.2.1 NORTH CAROLINA GENERAL STATUTES

Enumerates the various NCGS provisions that enable the Town to implement the UDO, including: Ch 160A, Art 8 (police powers); Ch 160A, Art 15 (streets, traffic, & parking); Ch 160D (local planning and development); Ch 143, Art 21 (water and air resources); and others.

1.2.2 OTHER RELEVANT LAWS

Identifies the Town's Charter, other relevant laws of the State, and any special legislation granted to the Town.

1.3 CONFLICT

This is a new section that includes portions of Section 105 from the UDC and covers the variety of potential conflicts between UDO provision, conflicts with other Town laws, and conflicts with other laws or private agreements.

1.3.1 CONFLICT BETWEEN STANDARDS IN THIS ORDINANCE

A. GENERALLY

Clarifies that generally speaking, when two standards in the UDO conflict with one another, the more restrictive standard controls unless indicated otherwise in this section.

B. TEXT AND ILLUSTRATIONS

In cases where the text in the UDO differs from an illustration, the text controls, and that illustrations are provided solely for informational purposes only. In cases where the text differs from a heading, caption, or table, the text controls.

C. TEXT AND MAPS

In cases where the text in the UDO differs from an adopted map, the text controls.

D. OVERLAY DISTRICT STANDARDS

In cases where the text for an overlay district differs

E. DEVELOPMENT STANDARDS AND USE STANDARDS



Chapter 1 Administration

Section 1.4 Consistency with Adopted Policy Guidance

Sub-section 1.3.2 Conflict with a Condition of Approval

In cases where a development standard (Ch 6) conflict with a use standard (Ch 4), the development standard shall control.

F. DEVELOPMENT STANDARDS AND DISTRICT STANDARDS

In cases where a development standard (Ch 6) conflict with a zoning district standard (Ch 3), the zoning district standard shall control.

G. AUTHORIZED DEVIATIONS

Clarifies that authorized deviations, such as an approved administrative adjustment, approved conditional rezoning master plan, or alternative form of compliance (parking, landscaping, signage, lighting, etc.) shall control and are not considered to conflict with other more restrictive standards.

H. INCENTIVES

Incentives, like density incentives associated with a zoning district, conservation subdivision, or sustainable development feature shall control and are not considered to conflict with other more restrictive standards.

1.3.2 CONFLICT WITH A CONDITION OF APPROVAL

In cases where a standard conflicts with an authorized and legally established condition of approval that has not expired, the condition of approval controls.

1.3.3 CONFLICT WITH PRIVATE AGREEMENTS & COVENANTS

In cases where a standard conflicts with a private agreement, covenant, or deed restriction, and the standards in this Ordinance are more restrictive, the standards in this Ordinance shall control. In cases where a private agreement or covenant conflicts with State or federal law, it shall not

1.3.4 CONFLICT WITH STATE OR FEDERAL LAW

If a provision of this Ordinance is inconsistent with State or federal law, the more restrictive provision controls, to the extent permitted by law.

1.3.5 CONFLICT WITH TOWN CODE OR POLICY

If a provision of the UDO is inconsistent with another provision found in other adopted ordinances of the Town, the more restrictive provision shall govern, unless the terms of the more restrictive provision specify otherwise. Town policy is advisory only.

1.3.6 DETERMINATION OF MOST RESTRICTIVE STANDARD

The more restrictive provision is the one that imposes greater restrictions, burdens, or more stringent controls.

1.4 CONSISTENCY WITH ADOPTED POLICY GUIDANCE

This section replaces the standards in Section 108 of the UDC. It clarifies that policy is advisory and that the Town Council may take action that differs from the adopted policy guidance without legal repercussion.



Chapter 1 Administration

Section 1.5 Document Title

Sub-section 1.4.1 Advisory in Nature

1.4.1 ADVISORY IN NATURE

Clarifies adopted policy guidance is advisory in nature only.

1.4.2 CONFORMANCE

Conformance with policy is desired, but not required.

1.4.3 CONSISTENCY

Clarifies that consistency with adopted policy guidance is not a requirement for the continuing validity of any provision of this Ordinance, except as provided in NCGS§160D-604 and NCGS§160D-605. Consistency with adopted policy guidance is not a prerequisite for approval of a rezoning, and the future land use map portion of the Comprehensive Plan shall be deemed amended when the Town Council approves a rezoning application that is inconsistent with the future land use map in accordance with NCGS§160D-605.

1.4.4 INCONSISTENCY

To the extent the UDO or the Official Zoning Map is or becomes inconsistent with the adopted policy guidance, it may be amended to remain consistent.

1.4.5 POLICY DOCUMENTS IDENTIFIED

Enumerates the Town's adopted policy guidance applicable to development and development-related activity.

1.5 DOCUMENT TITLE

Carries forward Section 100 from the UDC but with the title Unified Development Ordinance rather than Unified Development Code. Also establishes the name of the Official Zoning Map.

1.5.1 ORDINANCE TEXT

1.5.2 ZONING MAP

1.6 EFFECTIVE DATE

Replaces Section 103 of the UDC (effective date of February 15, 2021) with the new effective date. Note that the effective date may need to be delayed to allow Town staff time to prepare paper UDO copies and application forms. It is not uncommon for there to be 60-90 days between adoption date and effective date. If this is the case, the UDO will clarify that applications submitted after the adoption date but before the effective date may choose which version of the Town standards to follow in accordance with NCGS§160D-108.



1.7 PROCEDURES MANUAL

In the event the Town decides to prepare a companion procedures manual for the UDO, this section will establish the manual and clarify that it is not part of the UDO (and thus can be modified as needed by Town staff. The purposes for the manual are to provide application materials and resources for applicants submitting an application under the UDO.

1.8 PURPOSE AND INTENT OF ORDINANCE

This section replaces Section 102 of the current UDC with a more comprehensive set of purpose and intent statements inclusive of those in the General Statutes as well as language from the Comprehensive Land Use Plan and other applicable adopted policy guidance.

1.9 REVIEW AUTHORITIES

This section is proposed to replace Section 700 from the current UDC.

1.9.1 AUTHORITIES ESTABLISHED

This section enumerates all of the review authorities with decision-making responsibilities under the UDO.

1.9.2 GENERAL REQUIREMENTS FOR ALL AUTHORITIES

A. OATH OF OFFICE

Sets out the oath each review authority must take (Art. 6 Sec. 7 of the NC Constitution).

B. CONFLICT OF INTEREST

Sets down the range of conflict of interest provisions for legislative and evidentiary decision-making, as well as the conflict statements applied to administrative decision makers.

C. MEETINGS

1. ADVERTISED

This section clarifies that all meetings of the Town Council, Planning Board, and Board of Adjustment shall be subject to the advertising requirements of NCGS§143-318.12 even in cases where such meetings are not subject to public notice requirements pertaining to ordinances in Art. 6 of NCGS 160D.

2. MINUTES AND RECORDS

Requires accurate minutes of all meetings (even those with closed sessions).

3. OPEN TO PUBLIC

All meetings of review authorities shall be open to the public.

D. RULES OF PROCEDURE



Chapter 1 Administration

Section 1.9 Review Authorities

Sub-section 1.9.3 Town Council

Clarifies that review authority rules of procedure, if adopted, shall be made available for public inspection and shall be maintained by an identified Town staff member.

1.9.3 TOWN COUNCIL

A. POWERS AND DUTIES

Sets out the powers and duties of the Town Council under the UDO.

B. LEGISLATIVE CHALLENGE TO COURTS

Sets out the process for a person with standing to challenge a legislative decision of the Town Council with the Superior Court for Johnston County. The section differentiates the process and timelines for decisions on zoning map amendments and development agreements or text amendments.

C. QUASI-JUDICIAL APPEAL TO COURTS⁴

1.9.4 PLANNING BOARD (PLB)

A. COMPOSITION

Carries forward and builds on the provisions for establishment and configuration of the Planning Board in Section 700(B) of the current UDC and the standards in Section 32.075 through 32.078 of the Town Code.

B. POWERS AND DUTIES

Sets out the powers and duties of the Planning Board under the UDO.

C. RULES OF PROCEDURE

1. TERMS

Sets out member terms.

2. QUORUM

Clarifies the quorum requirements.

1.9.5 BOARD OF ADJUSTMENT (BOA)

A. COMPOSITION

Carries forward and builds on the standards in Section 700(C) of the UDC And Section 32.010 of the Town Code with additional detail on composition.

B. POWERS AND DUTIES

Establishes the powers and duties of the BOA.

C. QUASI-JUDICIAL APPEAL TO COURTS

⁴ NOTE: This Annotated Outline identifies the BOA as the review authority responsible for special use permits. This section will only be included if the Town ultimately decides that the Town Council should decide special use permits.



Chapter 1 Administration

Section 1.9 Review Authorities

Sub-section 1.9.6 Technical Review Committee (TRC)

Sets out the process for a person with standing to challenge a quasi-judicial decision of the Board of Adjustment with the Superior Court for Johnston County. The section differentiates the process and timelines for filing an appeal.

D. RULES OF PROCEDURE

1. TERMS

Sets out member terms.

2. QUORUM

Clarifies the quorum requirements.

3. VOTING

Clarifies the rules for super and simple majority voting including how to address voting totals based on recusals and vacancies.

1.9.6 TECHNICAL REVIEW COMMITTEE (TRC)

A. COMPOSITION

Carries forward and builds on the standards in Section 700(E) of the UDC regarding establishment and membership in the TRC.

B. POWERS AND DUTIES

Establishes the powers and duties of the TRC.

C. RULES OF PROCEDURE⁵

Clarifies the rules of procedure for the TRC.

1.9.7 TOWN STAFF

A. PLANNING DIRECTOR

1. POWERS AND DUTIES

Establishes the powers and duties of the Planning Director, including UDO enforcement, maintaining the Official Zoning Map, maintain public records, and provide technical assistance.

B. BUILDING INSPECTOR

1. POWERS AND DUTIES

Establishes the powers and duties of the Building Inspector under the UDO.

C. ENGINEERING DIRECTOR

⁵ NOTE: additional discussion is necessary regarding the degree to which the TRC should become a review authority with regular, standing meetings.



Chapter 1 Administration

Section 1.10 Severability

Sub-section 1.11.1 Applications

1. POWERS AND DUTIES

Establishes the powers and duties of the Engineering Director under the UDO.

D. FLOODPLAIN ADMINISTRATOR

1. POWERS AND DUTIES

Incorporates the powers and duties of the Floodplain Administrator under FEMA's and the State's model flood damage prevention ordinances (as modified by the UDO).

E. STORMWATER ADMINISTRATOR

1. POWERS AND DUTIES

Incorporates the powers and duties of the Stormwater Administrator under the State's model stormwater ordinances (as modified by the UDO).

1.10 SEVERABILITY

Replaces the severability provisions from Section 105 of the current UDC. Also clarifies that this UDO repeals the prior UDC.

1.11 TRANSITIONAL PROVISIONS

This section carries forward and builds upon Section 109 of the UDC with additional clarity.

1.11.1 APPLICATIONS

A. PRIOR APPROVAL

Describes how applications approved prior to adoption of the UDO are handled in accordance with permit choice provisions in NCGS§160D-108. Clarifies that applicants seeking to proceed under the UDO must file a written notice of intent to do so with the Town.

B. PENDING APPROVAL

1. COMPLETE

Clarifies that these kinds of applications are treated the same as approved applications.

2. FILED, BUT NOT COMPLETE

These applications are not treated as complete applications and are not eligible for permit choice provisions extended to approved or complete applications.

1.11.2 EXISTING NONCONFORMITIES

Clarifies that existing nonconformities remain nonconformities under the UDO (unless the situation is no longer nonconforming).



1.11.3 PRE-EXISTING PERMITS

A. PRE-EXISTING CONDITIONAL USE PERMITS

Clarifies that prior-approved conditional use permits are deemed to be special use permits and are carried forward unchanged by the new UDO.

B. PRE-EXISTING CONDITIONAL USE ZONING DISTRICTS

Clarifies that prior existing conditional use zoning districts shall continue as legacy conditional zoning districts, but that any proposed changes to development in a legacy conditional zoning district requires rezoning to a conventional or conditional district under the UDO.

C. PRE-EXISTING PLANNED DEVELOPMENT DISTRICTS

Clarifies that prior existing planned development districts shall be treated as legacy conditional zoning districts.

1.11.4 USES

Clarifies that use types that were formerly permitted by right but that now require approval of a special use permit under the UDO shall be considered as having special use permit approval, but that any changes to the existing use shall require approval of a special use permit.

1.11.5 VIOLATIONS

Prior violations shall continue to be violations (unless the rules have changed in ways that render violation lawful).

1.12 VESTED RIGHTS

This is a new section that addresses the concept of vested rights, how they are established, and their duration in accordance with NCGS§160D-108.

1.12.1 GENERALLY

Describes the role and purpose of vested rights, and how they are established, and how an applicant may utilize the determination procedure in Chapter 2 to claim vested rights. Clarifies that vested rights allow an applicant to proceed with development in accordance with the original approval, but that any changes to the proposed development are not protected under vested rights, and will be subject to changes in the UDO that have taken place after the original approval. Clarifies that vested rights remain in place only while the permit or development approval is valid, and actions invalidating a permit or approval also strips vested rights.

1.12.2 COMMON LAW VESTING

Recognizes how common law vested rights are established and provides guidance regarding vesting term for applications with common law vested rights.

1.12.3 BUILDING PERMIT

Describes the six-month vesting term associated with approval of a building permit and how vesting status can be extinguished. Also describes the relationship between a building



permit's vesting status and the on-going vested status associated with a site-specific vesting plan of which the building permit is a part).

1.12.4 DEVELOPMENT AGREEMENT

Clarifies that the vesting term is identified in the development agreement.

1.12.5 DEVELOPMENT APPLICATION APPROVAL

Establishes the one-year vesting timeframe for most development permit approvals, provides guidance on how vested rights are discontinued, and specifies the administrative review process where development application approval vesting status may be extended (based solely on substantial commencement and continued substantial progress).

1.12.6 MULTI-PHASE DEVELOPMENT

Clarifies the seven-year vesting term for multi-phase development.

1.12.7 SITE-SPECIFIC VESTING PLAN

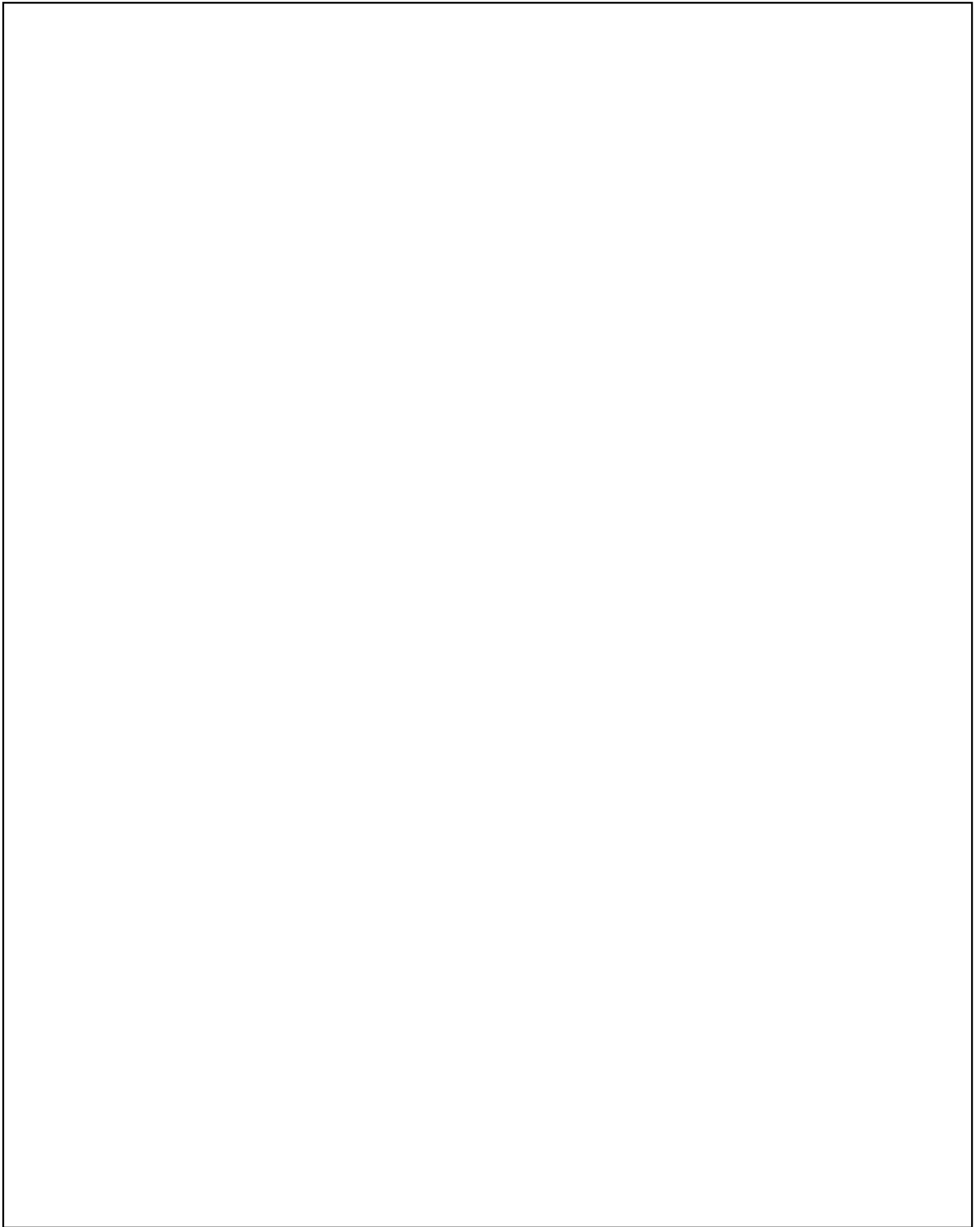
Identifies which forms of development approval constitute a site-specific vesting plan, and how vested rights are attached to a site-specific vesting plan (via a public hearing and decision by Town Council). The section specifies the vesting duration of two years and clarifies that vested rights for a site specific vesting plan may only be established following a public hearing, and that development approvals that did not require a public hearing must obtain a vested rights certificate in order to establish a two-year vesting term. The vested rights certificate process can also be used to extend the vesting term from two years up to five years.

1.12.8 VESTED RIGHTS CERTIFICATE

References the vested rights certificate process in Chapter 2 of the UDO.

1.12.9 EXTINGUISHMENT OF VESTED RIGHTS

Describes the ways in which or reasons for the Town extinguishing vested rights.



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Chapter 2 Applications

Section 1.12 Vested Rights

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Chapter 2
Applications

Section 1.12 Vested Rights
Sub-section 1.12.9 Extinguishment of Vested Rights

KEY CHANGES FROM CURRENT UDC

Text here to be completed as part of Task 4, Drafting



Chapter 2 Applications

Section 2.1 Chapter Introduction

Sub-section 1.12.9 Extinguishment of Vested Rights

2.1 CHAPTER INTRODUCTION

This is a new section that explains how the Administration Chapter is organized into a summary table, a set of 34 different application types, and a set of basic or standardized review procedures the Town will follow when processing applications. It also explains the uniform structure of each application section and provides a key to the symbols and colors in each application's procedural flow chart.

2.2 APPLICATION SUMMARY TABLE⁶

This section carries forward and builds on Section 701 of the UDC with several notable changes, including a listing of all review authorities (including the Superior Court as an appellate body), 16 new (or more formalized) application types, inclusion of details regarding appeals, details on pre-application conference requirements, and dynamic hyperlinks (in digital version) to relevant UDO sections.

TABLE <>: APPLICATION SUMMARY TABLE

Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable
Type of Public Hearing: () = Legislative; | | = Evidentiary
[] = Table Note

PROCEDURE	UDO SECTION	PRE-APP. CONFERENCE	TOWN STAFF [1]			TECH. REVIEW COMMITTEE	PLANNING BOARD	TOWN COUNCIL	BOARD OF ADJUSTMENT	SUPERIOR COURT
			BUILDING INSPECTOR	ENGINEERING DIRECTOR	PLANNING DIRECTOR					
Administrative Adjustment	<>	M	•	•	D	C	•	•	A	•
Appeal	<>	O	•	•	•	•	•	•	D	A
Annexation	<>	O	•	•	R	C	•	(D)	•	A
Building Permit	<>	N/A	D	•	•	•	•	•	[2]	•
Certificate of Occupancy	<>	N/A	D	•	•	•	•	•	[2]	•
Conditional Rezoning	<>	M	•	•	•	[3]	R	(D)	•	A
Conservation Subdivision [4]	<>	M	•	•	D	C	•	•	A	•

⁶ NOTE: The Annotated Outline includes a recommendation that the Board of Adjustment be delegated as the review authority for special use permit applications. This is a departure from the Town's current practice (Town Council reviews), but it makes some sense since the BOA is familiar with the procedural requirements and level of detail associated with evidentiary hearings.



Chapter 2 Applications

Section 2.2 Application Summary Table

Sub-section 1.12.9 Extinguishment of Vested Rights

TABLE <>: APPLICATION SUMMARY TABLE

Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
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PROCEDURE	UDO SECTION	PRE-APP. CONFERENCE	TOWN STAFF [1]			TECH. REVIEW COMMITTEE	PLANNING BOARD	TOWN COUNCIL	BOARD OF ADJUSTMENT	SUPERIOR COURT
			BUILDING INSPECTOR	ENGINEERING DIRECTOR	PLANNING DIRECTOR					
Construction Drawings	<>	O	•	D	•	C	•	•	A	•
Conventional Rezoning	<>	M	•	•	•	C	R	(D)	•	A
Determination [5]	<>	O	•	D	D	•	•	•	A	•
Development Agreement	<>	O	•	C	C	C	R	(D)	•	A
Erosion Control Permit	<>	M	•	D	•	•	•	•	A	•
Exempt Subdivision	<>	N/A	•	•	D	•	•	•	A	•
Expedited Subdivision	<>	O	•	•	D	•	•	•	•	A
Fee-in-Lieu [6]	<>	O	•	•	D	C	•	D	•	A
Final Plat	<>	O	•	•	D	C	•	•	A	•
Floodplain Permit	<>	O	•	D	•	•	•	•	A	•
Performance Guarantee [7]	<>	O	•	D	D	C	•	D	•	A
Preliminary Plat, Major	<>	M	•	•	D	C	•	•	•	A
Preliminary Plat, Minor	<>	O	•	•	D	C	•	•	•	A
Riparian Buffer Determination	<>	O	•	D	•	C	•	•	[8]	•
Sign Permit	<>	O	•	•	D	•	•	•	A	•
Site Plan	<>	M	•	•	D	C	•	•	A	•



Chapter 2 Applications

Section 2.2 Application Summary Table

Sub-section 1.12.9 Extinguishment of Vested Rights

TABLE <>: APPLICATION SUMMARY TABLE

Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable
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PROCEDURE	UDO SECTION	PRE-APP. CONFERENCE	TOWN STAFF [1]			TECH. REVIEW COMMITTEE	PLANNING BOARD	TOWN COUNCIL	BOARD OF ADJUSTMENT	SUPERIOR COURT
			BUILDING INSPECTOR	ENGINEERING DIRECTOR	PLANNING DIRECTOR					
Special Use Permit	<>	M	•	•	•	[9]	•	•	D	A
Stormwater Permit	<>	O	•	D	•	•	•	•	A	•
Street Renaming/ Closure	<>	M	•	•	•	C	R	(D)	•	A
Temporary Use Permit	<>	O	•	•	D	C	•	•	A	•
Text Amendment	<>	O	•	•	C	•	R	(D)	•	A
Transportation Impact Analysis	<>	M	•	•	D	C	•	•	A	•
Tree Clearing Certificate	<>	O	•	•	D	C	•	•	A	•
Variance [10]	<>	M	•	•	•	•	•	•	D	A
Vested Rights Certificate	<>	O	•	•	R	•	•	•	D	A
Watershed Permit	<>	O	•	D	•	C	•	•	A	•
Zoning Compliance Permit	<>	O	•	•	D	•	•	•	A	•



Chapter 2 Applications

Section 2.2 Application Summary Table

Sub-section 1.12.9 Extinguishment of Vested Rights

TABLE <>: APPLICATION SUMMARY TABLE

Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
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[] = Table Note

PROCEDURE	UDO SECTION	PRE-APP. CONFERENCE	TOWN STAFF [1]			TECH. REVIEW COMMITTEE	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 <>, 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 or site 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 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.

[8] Appeals are filed with the Director of the North Carolina Division of Water Resources.

[9] The TRC shall review the concept plan prior to consideration by the Town Council.

[10] The Engineering Director shall decide variance applications from the flood damage prevention and riparian buffer standards. The Environmental Management Commission shall decide major water supply watershed variance applications.



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.1 Administrative Adjustment

2.3 APPLICATION TYPES

This section of the UDO includes each of the 34 application types under the UDO, and is proposed to replace Sections 704 through 718 and 721 in the UDC. Each application has a standardized structure with specified review criteria. The Administrative Adjustment procedure sets out the proposed structure for discussion. Completion of the other application subsections will take place during the code drafting effort.

2.3.1 ADMINISTRATIVE ADJUSTMENT⁷

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure and measurable review criteria for the administrative consideration of requests for minor deviations to certain numeric standards in this Ordinance (like zoning district dimensional standards). The intent of the procedure is to provide relief from practical difficulties in complying with the standards of this Ordinance. Administrative adjustments shall only be granted when the proposed development advances the purposes of this Ordinance as described in [Section <>, Purpose and Intent of Ordinance](#).

FIGURE <>: ADMINISTRATIVE ADJUSTMENT PROCEDURE

Step	Action
1	Pre-Application Conference (mandatory)
2	File Application (may be filed alone or with another application)
3	Completeness Determination
4	Staff Review
5	Planning Director Decision (if submitted with another application, decision on an administrative adjustment is rendered first)
6	Written Notice of Decision
7	Review of Associated Applications (if applicable)

B. APPLICABILITY

1. Except where otherwise prohibited, an administrative adjustment may be requested for a modification or deviation to any of the following:
 - a. A zoning district dimensional standard in Chapter 3, Districts.
 - b. A numeric use-specific standard in Chapter 4, Land Uses.
 - c. A numeric requirement in Chapter 5, Standards.
2. In no instance shall an administrative adjustment application seek to reduce any of the following:
 - a. The required minimum lot area in a zoning district;
 - b. Increases in the maximum allowable residential density on a lot;
 - c. The minimum required separation distance between two use types;
 - d. The requirements specified in a transportation impact analysis;
 - e. Reductions to the standards pertaining to flood damage prevention, water supply watershed protection, or riparian buffer protection;

⁷ This is a new procedure. This sub-section provides the full text of the proposed procedure as it would look in the UDO to enable reviewers to better understand the proposed uniform structure of each application procedure.



- f. Reductions to required infrastructure standards, including streets, potable water, or wastewater system requirements.
3. Development subject to a variance shall not also be subject to an administrative adjustment.

C. AMOUNT OF ADJUSTMENT

An administrative adjustment may allow a deviation from a numeric standard in this Ordinance in accordance with the amount specified in Table <>, Maximum Adjustment Amount.

LOCATION OR TYPE OF DEVELOPMENT	MAXIMUM PERMITTED AMOUNT OF ADMINISTRATIVE ADJUSTMENT
New development or redevelopment within the Downtown zoning district	15%
Redevelopment within all zoning districts except Downtown	10%
New development within all zoning districts except Downtown	5%

D. PROCEDURE

The review procedure for an administrative adjustment shall be in accordance with Section <>, Application Summary Table, Figure <>, Administrative Adjustment Procedure, and Section <>, Review Procedures.

E. REVIEW CRITERIA

An administrative adjustment shall be approved by the Zoning Administrator if the applicant demonstrates all of the following:

- 1.** The administrative adjustment is consistent with the type and maximum thresholds for an administrative adjustment established in this section;
- 2.** The administrative adjustment:
 - a.** Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or
 - b.** Is necessary to allow for proper functioning of public or private infrastructure; or
 - c.** Saves healthy existing trees; or
 - d.** Helps limit the need for site grading or revision to existing drainage patterns;

Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.1 Administrative Adjustment

3. Approval of the administrative adjustment is not expected to pose a danger to the public health or safety;
4. The administrative adjustment will not negatively impact the function or performance of on-site wastewater or stormwater management devices;
5. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and
6. The development requirement being adjusted is not the subject of a previously approved administrative adjustment, condition of approval, or variance on the same site.

F. SEQUENCE

1. An administrative adjustment may be requested either as a stand-alone application, or in combination with another application for development review.
2. In cases when submitted with another application, the administrative adjustment application shall be decided prior to the other associated applications.
3. Applications for rezonings (conditional and conventional) or variances shall not include requests for administrative adjustments.

G. AMENDMENT

See Section <>, Amendment.

H. EXPIRATION

1. If an administrative adjustment is submitted with another development application, the expiration of the administrative adjustment shall be the same as the associated development application.
2. In cases where an administrative adjustment is submitted as a stand-alone application, the approval shall become null and expire if the work associated with the administrative adjustment is not commenced within two years from the date of approval.

I. VESTING

1. If an administrative adjustment is submitted with another development application, the vesting term of the administrative adjustment shall be the same as the associated development application.
2. In cases where an administrative adjustment is submitted as a stand-alone application, the vesting term shall be one year from the date of approval.

J. APPEAL

Appeal of a decision on an administrative adjustment shall be in accordance with Section <>, Application Summary Table, Section <>, Appeal, and NCGS§160D-405.



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.2 Appeal

2.3.2 APPEAL

This section carries forward and builds on Section 717 of the UDC. It clarifies that some administrative decisions are heard by the BOA while others are heard by the courts (like decisions related to subdivisions – see NCGS§1403) or other bodies (like the EMC). The section clarifies that decisions by the Town Council or the BOA are appealed to the Superior Court for Johnston County. Original civil actions may also be taken directly to Superior Court. The procedure also identifies review criteria for appeals.

2.3.3 ANNEXATION

This is a new procedure that sets out the process and criteria for consideration of a voluntary annexation petition submitted by a landowner. It clarifies that a rezoning or other application may be filed concurrently with an annexation application, but the annexation petition must be considered and approved prior to any other application.

2.3.4 BUILDING PERMIT

This is a newly codified procedure that identifies the kinds of development subject to building permit requirements (as well as the kinds of development that are exempted from building permit review). The procedure identifies the review criteria for permit issuance and explains application sequencing, expiration, vesting-related, and appeals provisions.

2.3.5 CERTIFICATE OF OCCUPANCY

This is another newly codified procedure that identifies the kinds of development subject to the requirements to obtain a CO (development exempted from a building permit is also exempted from the certificate of occupancy provisions). The procedure describes sequencing issues, how temporary Cos are processed, and the effect of CO issuance.

2.3.6 CONDITIONAL REZONING

This section replaces Section 705 in the UDC. The UDO makes several notable changes to the conditional rezoning process, including a series of six conditional districts (instead of parallel conditional districts that line up to each conventional district). The UDO also anticipates a three-tiered approach to conditional rezoning applications:

1. Limited use rezonings – conditional rezonings that seek to limit the range of allowable uses to a certain number of use types. No other reductions or deviations may be permitted and no concept plan may be submitted.

2. Limited standard rezonings – conditional rezonings that seek to limit the range of uses and/or seek a deviation from an otherwise applicable district, use, or development standard. In no instance shall a limited standard application seek to remove or reduce an applicable standard (only conditions that place a stronger or more restrictive standard are permitted). A concept may be submitted at the applicant's discretion.

3. Master planned rezonings – a conditional rezoning that seeks to deviate from an otherwise applicable UDO standard. This kind of applicant requires preparation of a master plan and a textual description of the proposed development. The key burden for the applicant to prove as part of this process is how the proposed master planned rezoning is superior to the development that would result from a strict application of the standards. Since the rezoning process is legislative, the Town Council has considerable legislative discretion in approving or denying such applications (and does not need to provide detailed findings of fact or conclusions of law regarding denial of an application).



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.6 Conditional Rezoning

In addition, this procedure will be revised to reflect that all landowners must sign the application, any current size thresholds on development are removed, that any concept plans must be reviewed by the TRC prior to consideration by the Planning Board, the modification provisions are modified to remove density adjustments (density adjustment is prohibited by State law), and further clarification that all subsequent plats, plans, and permits must be consistent with an approved concept plan. The standards will also clarify that while a zoning district designation runs with the land, approval of a concept plan (a site-specific vesting plan) does not and is subject to the vesting provisions in NCGS§160D-108.



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.7 Conservation Subdivision

2.3.7 CONSERVATION SUBDIVISION

A. PURPOSE AND INTENT

The purpose and intent of this section is to provide landowners in certain portions of the Town's planning jurisdiction a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects rural character, as well as agricultural activities, or sensitive environmental features on the site. This is done in order to:

1. Conserve open land, including those areas containing prime agricultural soils, areas of steep slopes, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature hardwood trees, and watersheds;
2. Promote existing rural character particularly in areas visible from major roadways in the Town;
3. Retain and protect existing wildlife habitat and environmental, natural, and cultural resources;
4. Create a linked network of open lands; and
5. Provide reasonable economic use of the land.

FIGURE <>: CONSERVATION SUBDIVISION PROCEDURE

Step	Action
1	Pre-Application Conference (mandatory)
2	File Application
3	Site Inspection (conducted with Town Staff)
4	Submit Conservation and Development Plan
4	Staff Review
5	Planning Director Decision
6	Written Notice of Decision
7	File Preliminary Plat Application

B. APPLICABILITY

1. TYPE OF DEVELOPMENT

This conservation subdivision option shall be limited to development of single-family detached residential dwellings (including manufactured homes) on individual lots in subdivisions of more than four lots. The conservation subdivision option shall not be available for any other form of development or use type.

2. WHERE PERMITTED

Single-family detached residential subdivisions of more than four lots in the RUR, RLL, and RLD zoning districts may be developed as a conservation subdivision, in accordance with the standards in this section.

3. WHERE PROHIBITED

The conservation subdivision option is not available for use on land in any of the zoning districts other than RUR, RLL, and RLD.

4. RELATIONSHIP TO WATERSHED PROTECTION OVERLAY DISTRICT

- a. Land located within a Watershed Protection Overlay District may be configured in accordance with the cluster development option in Section <>.



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.7 Conservation Subdivision

Cluster Development, but a cluster development may not be configured as a conservation subdivision.

- b. In the event a conservation subdivision is proposed on land within a Watershed Protection Overlay District, the density shall not exceed that permitted under the cluster development option in Section <>, Cluster Development.

C. PROCEDURE

The review procedure for a conservation subdivision shall be in accordance with Section <>, Application Summary Table, Figure <>, Conservation Subdivision Procedure, and Section <>, Review Procedures.

D. CONSERVATION AND DEVELOPMENT PLAN

Prior to review of a preliminary plat, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Planning Director in accordance with the following steps and the standards in Section <>, Review Criteria.

1. STEP 1: SITE ANALYSIS MAP

The applicant shall prepare a site analysis map that analyzes existing conditions both on the land proposed for the development and land within 500 feet of the site, and submit the site analysis map to the Technical Review Committee. It is the intent of this section that the information required in the site analysis map be produced from existing sources and maps to ensure the process is economical for the applicant.

2. STEP 2: SITE INSPECTION

After receipt of the site analysis map, a representative from the Technical Review Committee shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a Town staff member. The purpose of this site visit is to:

- a. Familiarize the staff with the existing site conditions and features of the site;
- b. Identify potential site development issues, including the best location for the development to minimize its visibility from existing neighborhoods and adjacent major roadways; and
- c. Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

3. STEP 3: CONSERVATION AND DEVELOPMENT PLAN

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development plan. The conservation and development plan shall include the following:

- a. A site analysis map;



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.7 Conservation Subdivision

- b. A conservation and development areas map that depicts areas intended for conservation and areas intended for development; and
- c. A preliminary site improvements plan, showing proposed site development, including the approximate locations of utilities, streets, other development features, buffers (if applicable), and lot lines in the proposed development area.

4. STEP 4: REVIEW

- a. The Planning Director shall review and decide the conservation and development plan based on the standards in Section <>, Review Criteria.

E. REVIEW CRITERIA

A conservation subdivision shall comply with the following standards:

1. LOCATION

Conservation subdivisions shall be configured to minimize the visibility of new dwellings from adjacent developed lands and roadways located outside the proposed conservation subdivision. Techniques to achieve this location criteria include placement of lots, retention of existing vegetation, or installation of berms or new landscaping material.

2. MINIMUM PROJECT SIZE

Conservation subdivisions shall be at least five acres in land area.

3. REQUIRED CONSERVATION AREA

The required conservation area shall occupy at least 50 percent of the total acreage of the conservation subdivision site, but nothing shall limit it from occupying more than 50 percent of a conservation subdivision site.

4. MAXIMUM RESIDENTIAL DENSITY

A conservation subdivision may establish a maximum residential density that is twice the maximum residential density for lots in the conventional zoning district where located, but in no instance shall the density of a conservation subdivision exceed the maximum allowable within a Watershed Protection Overlay District.

5. DIMENSIONAL REQUIREMENTS

Lots in a conservation subdivision may deviate from the minimum dimensional requirements for lots in the zoning district where located, provided:

- a. No lot frontage is less than 20 feet wide;
- b. Building separation between structures on different lots meets or exceeds the minimum applicable Fire Code provisions; and
- c. All structures shall comply with required setbacks from streets, wetlands/surface waters, or other protected natural areas.

6. LAND USED FOR AGRICULTURE OR FORESTRY

Nothing shall limit the ability of an owners' association to lease conservation area for the purposes of agriculture or forestry.



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.7 Conservation Subdivision

F. OWNERSHIP OF CONSERVATION AREAS

A conservation area shall be owned jointly by a recognized homeowners' or property owners' association, which shall be established in accordance with Section <>, Owners' Associations.

G. SEQUENCE

A conservation subdivision shall be submitted prior to a preliminary plat.

H. AMENDMENT

See Section <>, Amendment.

I. EXPIRATION

1. An approved conservation subdivision shall be valid for two years from the date of approval.
2. Once a preliminary plat application has been filed, the associated conservation subdivision approval shall be subject to the expiration provisions associated with the preliminary plat.

J. VESTING

1. A conservation subdivision approval shall be vested for a period of two years from the date of approval.
2. Once a preliminary plat application has been filed, the associated conservation subdivision vesting term shall follow that of the associated with the preliminary plat.

K. APPEAL

Appeal of a decision on a conservation subdivision shall be in accordance with Section <>, Application Summary Table, Section <>, Appeal, and NCGSS§160D-405.



2.3.8 CONSTRUCTION DRAWINGS

This is a newly codified procedure that sets out the process and requirements for construction of public and private infrastructure associated with a new subdivision. It clarifies that an application for a final plat may not be filed until the construction drawing process is complete, the infrastructure is installed, and the Town has inspected it.

2.3.9 CONVENTIONAL REZONING

This section replaces Section 704 in the UDC, and is used for the establishment of a conventional zoning district. The section clarifies that only the Town or a current landowner may initiate an application and that 3rd party downzonings are prohibited. Clarify that an applicant may not modify an application for a conventional rezoning though the Town Council may approve a less-intensive district.

2.3.10 DETERMINATION

This procedure replaces the written interpretation procedure in Section 715 of the UDC. The determination procedure is expanded to address five different aspects:

1. Determinations of how to classify unlisted uses;
2. Definitions of undefined terms;
3. Interpretation of UDO text provisions, development approvals, or conditions of approval;
4. Official Zoning Map boundary determination; and
5. Vested rights status.

The procedure also recognizes two different types of determination: advisory (non-binding) and formal (written and appealable). The procedure will also include review criteria for each type of determination.

2.3.11 DEVELOPMENT AGREEMENT

This is a new procedure that describes the process for an applicant to enter into a development agreement with the Town (in accordance with NCGS Art. 10 of Chapter 160D. These agreements can be used for large or multi-year developments as well as for developments seeking to obtain Town services but which are not available for voluntary annexation.

2.3.12 EROSION CONTROL PERMIT

This is a new procedure that sets down the process for submittal, review, and approval of an erosion control plan in accordance with the standards in Section 156.020 through 156.038 of the Town Code of Ordinances (the standards in Chapter 156 of the Town Code are relocating to the Chapter 6 of the UDO). The procedure will set out applicability, review criteria, performance guarantee requirements, and permit revocation standards.

2.3.13 EXEMPT SUBDIVISION

This is a new procedure that includes a courtesy review by Town staff of a proposed subdivision that is exempted from Town-review by NCGS§160D-802. Application for review of an exempt subdivision is voluntary (though the Register of Deeds may not permit a plat to be recorded without such a review). The procedure identifies the types of exempt subdivisions and details on the review criteria.



2.3.14 EXPEDITED SUBDIVISION

This section carves out a portion of the subdivision procedure identified in Section 706 of the UDC pertaining to limited or expedited subdivisions of three or fewer lots as identified in NCGS§160D-802(c). This kind of subdivision differs from a minor subdivision.

2.3.15 FEE-IN-LIEU

This is a new procedure that sets out the process for payment of a fee in-lieu of provision of one or more required site features. Payment of a fee in-lieu is typically at the request of the applicant, and the procedure sets down the features that may be the subject of a fee payment, such as land dedication, some forms of public infrastructure, and some types of private site features (like parking, landscaping, or open space set-aside). The procedure sets down a series of review criteria based on the type of fee in-lieu being requested. The review authority deciding the application also decides whether to accept a fee in-lieu as well as if the proposed amount is consistent with the standards. The standards also include details regarding the process for determination of the fee amount.

2.3.16 FINAL PLAT

This section sets out the final plat process as its own procedure based on some of the language in Section 706 of the UDC. Final plats are required for development subject to a preliminary plat and construction drawings processes. In addition to clarity regarding the approval criteria for a final plat, the procedure includes sections for recordation, the acceptance of public infrastructure, and expiration. The standards include details on the requirements for the preparation and delivery of as-built plans for public infrastructure developed as part of the site.

2.3.17 FLOODPLAIN PERMIT

This is a new permit procedure carried over from Chapter 151 of the Town Code related to flood damage prevention. The floodplain permit is used as an initial review process (prior to a site plan or building permit) for any land located within the FPOD. The procedure also includes the standards for issuance of elevation /floodproofing certificates as part of the construction process.

2.3.18 PERFORMANCE GUARANTEE

This is a new procedure that carries forward and builds on the performance guarantee provisions in Section 607 of the UDC. The procedure identifies site features that are or are not eligible for performance guarantees. The procedure provides more detail the range of possible forms of performance guarantee (the applicant may choose which), as well as the review criteria to be used in determining if a performance guarantee should be granted (approval of a performance guarantee rests solely with the Town and there is no requirement to approve such requests). The review body deciding the type of application establishing the development shall also decide the performance guarantee request. There are also additional provisions for term, amount, administration, extension, release, and forfeiture.

2.3.19 PRELIMINARY PLAT, MAJOR

This process carries forward the subdivision process in Section 706 of the UDC. Major preliminary plats are used for subdivision of land that propose extension of public infrastructure or that involve the creation of more than five lots. In addition to details on the review criteria, the process sets out details on the sequencing of other related permits and



activities, including construction drawing approval, erosion control permits, stormwater permits, and performance guarantees. The standards establish maximum timeframes within which an applicant must apply for a preliminary plat or risk having preliminary plat approval lapse.

2.3.20 PRELIMINARY PLAT, MINOR

In contrast to major preliminary plats, minor preliminary plats are used for subdivisions that do not qualify as an exempt or expedited subdivision, but are not major preliminary plats either – typically this means subdivisions of up to five lots with no extension of public infrastructure. The standards establish the review criteria and the requirement for the preparation of a plat for recording (much like a final plat). In most cases, these kinds of developments are exempted from open space set-aside requirements (but establishment of an owners' association is required if there is private infrastructure or shared site features). The standards also permit the Planning Director to require any subdivision of land subject to a prior minor preliminary plat to be considered as a major preliminary plat (as a means of using successive final plats to avoid preliminary plat requirements).

2.3.21 RIPARIAN BUFFER DETERMINATION

This is a new procedure that authorizes certain forms of development (like infrastructure and limited forms of site activities) within required riparian buffers along perennial streams when there is no practical alternative. This can include stream crossings for roads and utilities. The standards set out the review criteria for such permits, clarify the timing of any mitigation to be provided, and clarify that Town staff may periodically inspect affected riparian buffers for continued compliance with State standards.

2.3.22 SIGN PERMIT

This section carries forward the sign permit procedure in Section 713 of the UDC. The procedure clarifies that sign permits are decided administratively after approval of a site plan or special use permit. The standards also clarify that temporary signage is reviewed as a temporary use permit. The standards also include review criteria for uniform sign plans required for multi-building developments on one or more parcels.

2.3.23 SITE PLAN

The section carries forward Section 707 in the UDC. The procedure provides clarity regarding development activity subject to a site plan as well as development activity exempt from site plan review. In addition to detail on review criteria, the procedure goes into detail regarding sequencing with other procedures like fee in-lieu, performance guarantees, erosion control permits, and stormwater requirements. The procedure also provides additional detail on which forms of development require submittal of as-built plans prior to final approval.

2.3.24 SPECIAL USE PERMIT

This section replaces Section 711 in the UDC. Special use permits are the review procedure used for some uses. The draft UDO suggests delegating the review authority for special use permits to the Board of Adjustment instead of the Town Council. In addition, the procedure calls for the option to submit a concept plan with a special use permit application (instead of a full-blown site plan which can be expensive). Review criteria are supplemented with additional factors to address compatibility and harmony with surroundings and there is a



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.25 Stormwater Permit

detailed section on conditions of approval which may be attached to the decision. Generally speaking, the UDO seeks to reduce the range of uses requiring special use permits.

2.3.25 STORMWATER PERMIT

This section carries forward the stormwater permit procedure from Chapter 158 of the Town Code of Ordinances. The permit process includes requirements for the preparation of a stormwater management plan. The procedure also includes details regarding final approval, recordation, certification, and requirements for the preparation of as-built plans. There is also guidance with respect to collection and release of performance guarantees and maintenance warranties.

2.3.26 STREET RENAMING/ CLOSURE

This is a new consolidated procedure used for re-naming of existing streets or for closing or vacating platted streets. The process includes the resolution of intent, public notice requirements, the review criteria, and effective date requirements.

2.3.27 TEMPORARY USE PERMIT

This section carries forward Section 712 of the UDC related to the review and permitting of temporary uses, structures, and signage. The procedure relies on duration limits set down in the temporary use portion of Chapter 4, Use Standards.

2.3.28 TEXT AMENDMENT

This section carries forward and builds upon Section 703 in the UDC. The procedure for consideration of amendments to the UDO text may be initiated by Town staff or an identified review authority only. The process reflects the need for a written statement of consistency by the Planning Board.

2.3.29 TRANSPORTATION IMPACT ANALYSIS

This section carries forward Section 708 from the UDC. The procedure clarifies the process to follow when the development is partially built as well as the timing of when required improvements must be completed.

2.3.30 TREE CLEARING CERTIFICATE

This section carries forward Section 721 of the UDC. This procedure is used in cases when an applicant seeks to remove trees from a lot or site not subject to a forestry management plan and not as part of a development application (when tree removal would be reviewed as part of a site plan). Need to discuss the Town's goals for tree protection more generally and consider if and how to revise this procedure for greater effectiveness.

2.3.31 VARIANCE

This section carries forward and builds on Section 716 in the UDC. The new procedure will be used for typical variance applications as well as for applications for reasonable accommodation (under the Fair Housing Act), variances from the flood damage prevention standards, the stormwater standards, and the water supply watershed standards. Neighborhood meets are removed from this process as they are inadmissible in evidentiary hearings.



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.32 Vested Rights Certificate

2.3.32 VESTED RIGHTS CERTIFICATE

This is a new procedure that does two things: it helps development proposals that constitute site specific vesting plans to establish vested rights in cases when such plans are decided without the benefit of a publicly -noticed hearing and decision by the elected officials. The procedure also allows applicants with approved site-specific vesting plans to request vesting terms of up to five years.

2.3.33 WATERSHED PERMIT

This is a newly codified procedure that is used to consider development proposals located within water supply watershed areas. All development located within the WPOD is subject to review and approval of a watershed permit (though this may take place simultaneously with other application reviews). The purpose for the procedure is to ensure than new development or redevelopment complies with applicable requirements.

2.3.34 ZONING COMPLIANCE PERMIT

This section carries forward Section 709 from the UDC. It is most often used in cases when proposed development does not require a site plan or a building permit. It is a means for the Town to ensure proposed development complies with all applicable requirements. This procedure includes details on review criteria, vesting, and expiration.



2.4 REVIEW PROCEDURES

This section is proposed to replace Section 702 of the UDC. It includes the basic steps that the Town will use to process all application types under the UDO.

2.4.1 OVERVIEW

This section explains the sequencing of sub-sections which more closely follows the sequence of events associated with an application review rather than alphabetic order.

2.4.2 PURPOSE AND INTENT

This section explains the rationale for the review procedures section, which is to provide clarity about how applications are processed without repeating the same information in each of the 34 different application types.

2.4.3 PRE-APPLICATION CONFERENCE

This section sets out the standards for conducting pre-application conferences, including when mandatory or voluntary. It clarifies discussions are non-binding though it calls for the preparation of meeting notes. Additional discussion is required regarding whether or not to schedule pre-application conferences during standing TRC meeting times. The procedure clarifies that applications may not be submitted until a pre-application conference is conducted if one is required.

2.4.4 NEIGHBORHOOD INFORMATION MEETING

This section sets out the requirements for how neighborhood meetings are to be conducted in cases where an applicant decides to conduct one or when directed to do so by the Town Council.

2.4.5 APPLICATION FILING⁸

A. AUTHORITY TO FILE APPLICATIONS

1. Unless expressly stated otherwise in this Ordinance, development applications associated with a particular lot or site 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. Third-party applications to downzone land shall be prohibited.
3. Applications for amendments to the text of this Ordinance shall only be initiated in accordance with Section <>, Text Amendment.

B. APPLICATION CONTENT

The Town shall establish development application content and forms, which shall be maintained by the Planning Director.

C. APPLICATION FEES

⁸ The full text of this proposed sub-section is provided as it is often a subject of discussion during review of the annotated outline.



Chapter 2 Applications

Section 2.4 Review Procedures

Sub-section 2.4.5 Application Filing

1. Review of development applications in accordance with this section shall require the payment of reasonable application fees upon submittal of an application.
2. The Town Council shall establish application fees, and may amend and update those fees as necessary. Fees shall cover the costs of review, including public notification, as required.
3. No action shall be taken on an application and no application approval shall be issued until all required application fees are paid in full.

D. APPLICATION FILING

1. Applications shall be filed under this UDO shall be in the form established by the Town, along with the appropriate application fee.
2. An application shall not be considered to be submitted until determined to be complete in accordance with [Section <>, Determination of Application Completeness](#).
3. No application shall be reviewed or decided until after it is determined to be complete.

E. BURDEN OF PRESENTING COMPLETE APPLICATION

The burden of presenting and maintaining a complete application shall be solely upon the applicant.

F. DETERMINATION OF APPLICATION COMPLETENESS

Upon development application filing, the Planning Director shall determine, within a reasonable period of time, whether the application is complete or incomplete. A complete application is one that:

1. Contains all information and materials identified in this Ordinance and all supporting documentation, as required for submittal of the particular type of application;
2. Is in the form and number of copies required by the Town;
3. Is legible and printed to scale, where appropriate; Is signed by the person(s) with the authority to file the application;
4. Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance;
5. Is accompanied by the fee established for the particular type of application;
6. Includes material associated with a pre-application conference, if one is required; and
7. Is not subject to the limitations described in [Section <>, Reconsideration](#).

G. APPLICATION INCOMPLETE

If the application is incomplete, the Planning Director shall notify the applicant of the deficiencies in writing. The applicant may correct the deficiencies and resubmit the application for completeness determination in accordance with [Section <>, Application Filing](#).

H. APPLICATION COMPLETE



Chapter 2 Applications

Section 2.4 Review Procedures Sub-section 2.4.6 Permit Choice

1. On determining that the application is complete, it shall be considered as submitted, and the Town shall notify the applicant and commence review in accordance with the procedures and standards of this Ordinance.
2. Nothing shall preclude the Planning Director or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete.

I. TIMING

Applications indicated for review by the Planning Board, Board of Adjustment, or Town Council must be deemed complete at least 21 business days prior to consideration of the application by that review authority.

2.4.6 PERMIT CHOICE

This section sets out the rules to follow in cases where the text of the UDO changes after an application has been submitted (deemed complete) but before a decision has been made in accordance with NCGS§143-755.

2.4.7 STAFF REVIEW AND ACTION

This section describes the steps taken by Town staff after an application has been deemed complete. It includes distribution of application materials to appropriate personnel, initial staff review and notification to the applicant of deficiencies, preparation of a staff report if the application is to be heard by another review authority, provision of a recommendation (as appropriate), clarification of why a proposed application may not comply with the UDO and the changes that would help it comply, and distribution of the staff report and application materials to the applicant and appropriate persons. In cases where the application is one decided by Town staff, the decision shall be made to approve the application, disapprove the application, or remand the application to the applicant for further revision.

2.4.8 PUBLIC NOTICE⁹

This section sets out the basic rules for the provision of required public notice with respect to a legislative or evidentiary public hearing (whether published, mailed, or posted) in accordance with NCGS§ 160D-406, 160D-601, 160D-602, and 160D-1005. It includes a summary table of the types of applications requiring notice and the types of notice to be provided. It also includes details on required notice content and that minor defects in provided notice shall not impair the notice or invalidate the proceedings.

2.4.9 PUBLIC HEARINGS AND MEETINGS

This section explains the distinctions between legislative hearings and evidentiary (quasi-judicial) hearings. It covers the rules of procedure, voting, application revision, and remand with to legislative hearings. It also covers the rules of evidence, ex-parte communication, voting, and application revision associated with evidentiary hearings. The section also describes the process followed during public meetings (which do not require notice under NCGS Chapter 160D.

⁹ NOTE: The UDO limits the range of notice provided solely to those parties identified in the General Statutes. The Town may choose to provide greater notice, but the UDO suggests that such increased notice be provided on a case-by-case basis in accordance with Town policy, not the UDO.



2.4.10 CONDITIONS OF APPROVAL

This section clarifies the instances when conditions of approval may be applied (conditional zoning and quasi-judicial applications). It sets out the range of things a condition of approval may not incorporate (ownership status based on race or religion, minimum size of a dwelling unit, minimum value of buildings, exclusions based on race or income, etc.), and clarifies that conditions must be in writing and agreed to in writing by the applicant to be binding.

2.4.11 WRITTEN NOTICE OF DECISION

This section clarifies that a notice of any decision on an application under the UDO shall be provided to the applicant in writing, along with the basic contents of the note, its timing, and how copies may be obtained.

2.4.12 SIMULTANEOUS PROCESSING

1. Whenever possible, the Town shall process related development applications (e.g., a site plan, a zoning compliance permit, and a building permit) simultaneously or concurrently where possible, subject to applicable sequencing provisions in Section <>, Application Types.
2. In the event a permit or development approval is a prerequisite to another permit or development approval (e.g., administrative adjustment or variance approval prior to a site plan approval), development may not take place until all prerequisite approvals are obtained.
3. Approval of one development application does not guarantee approval of any subsequent required development application.

2.4.13 EFFECT OF DEVELOPMENT APPROVAL

This section addresses assignment of a development application approval, clarifies that an approval is limited in scope to only the particular use, plan, or activity approved in the notice of decision, and that all prerequisite permits must be obtained before development may take place.

2.4.14 PHASED DEVELOPMENT

Nothing shall prohibit the construction of development in phases, sections, or portions, provided the development complies with the following:



Chapter 2 Applications

Section 2.4 Review Procedures

Sub-section 2.4.15 Continuance or Withdrawal

1. Applications associated with phased development shall include plans that clearly identify each phase or stage, the location and extent of each phase or stage boundary, and the anticipated schedule of development (e.g., first stage, second stage, third stage, etc.).
2. Phased development may provide only the required public infrastructure or other required site features concurrently with the active phase(s) of the development.
3. Nothing shall limit the Town from requiring the establishment of public infrastructure or required site features in a physical location outside of the active phase(s) of development if such provision is necessary, in the sole discretion of the review authority, for the development to function as required.
4. Provision of a performance guarantee (see Section <>, Performance Guarantee) shall not be sufficient in cases where a review authority determines that required public infrastructure or required site features outside an active phase must be provided to ensure development functionality.

2.4.15 CONTINUANCE OR WITHDRAWAL

This section clarifies the rules pertaining to applicant requests for application continuance or withdrawal, including how application fees are handled.

2.4.16 RECONSIDERATION

This section sets out the time limits associated with reconsideration of a legislative or quasi-judicial application that is denied, and how required time limits for reconsideration may be reduced.

2.4.17 AMENDMENT

This section clarifies that any application may only be amended in accordance with the procedure used for its establishment.

2.4.18 EXPIRATION

This section sets down the general rules for expiration of a development approval, including expiration within two years for failure of an applicant to achieve substantial commencement of work identified in the permit or maintain substantial progress towards completion of the work allowed under the permit. The section also clarifies that the maximum time period between approval and expiration is halted during appeals of the approval or litigation associated with the approval.



CHAPTER 3

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**Chapter 3
Districts**

Section 2.4 Review Procedures
Sub-section 2.4.18 Expiration

3.8.4 Revision

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Chapter 3
Districts

Section 2.4 Review Procedures
Sub-section 2.4.18 Expiration

KEY CHANGES FROM CURRENT UDC

Text here to be added during Task 4, Drafting.



3.1 CHAPTER INTRODUCTION

3.1.1 CHAPTER ORGANIZATION

This section sets out the sequence of sections and sub-sections in the Chapter and explains how each works with the others. It explains how the information in the conventional and conditional zoning district sub-sections is organized.

3.1.2 DISTRICTS DISTINGUISHED

This section describes the relationships and differences between conventional districts, conditional districts (including the different types) and overlay districts. It also clarifies that all land within the Town’s planning jurisdiction is assigned at least one zoning district.

3.1.3 DISTRICTS ESTABLISHED¹⁰

This is a summary table that formally establishes the conventional, conditional, and overlay zoning districts in the UDO by name and abbreviation.

¹⁰ NOTE: Additional discussion is necessary regarding the Town’s desire to undergo a town-wide rezoning. Generally speaking, the current districts are being translated from their current names to new names. The only consolidation includes O-R and O-I into the new OFI district. There are three new conventional zoning districts and four new conditional zoning districts, but these can just be made available without proactively designating land on the Zoning Map. The Downtown district is the subject of a master plan update which will likely result in three new sub-districts, most of which likely will need to be the subject of a zoning map amendment. In addition, there is at least one area in Town with a B-1 zoning district designation that is not within the downtown area. Another potential area of change is the rezoning of resource conservation areas to the proposed Conservation zoning district. There are also a series of changes to the overlay zoning districts, including conversion of the flood district provisions into an overlay, creation of the gateway overlay district, and removal of the thoroughfare overlay and downtown overlay districts. In the event the dimensional requirements in the conventional zoning districts are revised in ways that make them more restrictive or that make development more difficult, then these changes also rise to the level of a necessary zoning map amendment. It is likely that the changes to the Downtown and the overlay districts will necessitate a more formal Town-wide rezoning effort.



Chapter 3 Districts

Section 3.1 Chapter Introduction Sub-section 3.1.4 District Translation

3.1.4 DISTRICT TRANSLATION

- A. On *(insert the effective date of this Ordinance)*, land zoned with a zoning district classification from the previous Unified Development Code shall be translated or reclassified to one of the zoning districts set forth in Section <>, Districts Established.
- B. The following table summarizes the translation or reclassification of the zoning districts in the prior ordinance to the corresponding one in this Ordinance. For example, the table shows that all lands classified as R-E Residential Estate in the previous ordinance under the column named "Former Zoning District" are now classified RLL Residential Large Lot in this Ordinance as shown under the column titled "Current Zoning District."

TABLE <>: ZONING DISTRICT TRANSLATION TABLE			
FORMER ZONING DISTRICT (FROM PRIOR ORDINANCE)		CURRENT ZONING DISTRICT	
CONVENTIONAL RESIDENTIAL DISTRICTS			
NEW		RUR	Rural
R-E	Residential Estate	RLL	Residential Large Lot
R-10	Single-Family Residential 10	RLD	Residential Low Density
R-8	Single-Family Residential 8	RMD	Residential Medium Density
R-6	Single-Family Residential 6	RHD	Residential High Density
NEW		RMF	Residential Multi-Family
CONVENTIONAL NON-RESIDENTIAL ZONING DISTRICTS			
O-R	Office Residential	OFI	Office Institutional
O-I	Office Institutional		
B-1	Central Business	DTN	Downtown [1] ¹¹
B-2	Neighborhood Business	NCM	Neighborhood Commercial
B-3	Highway Business	CRM	Corridor Commercial
I-1	Industrial Light	LID	Light Industrial
NEW		FID	Flexible Industrial
I-2	Industrial Heavy	HID	Heavy Industrial
CONVENTIONAL SPECIAL DISTRICTS			
NEW		CON	Conservation
PF	Public Facilities	PUB	Public Facilities

¹¹ Riverwood has the B-1 district. Rezoning to mixed use?



Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.1.4 District Translation

TABLE <>: ZONING DISTRICT TRANSLATION TABLE

FORMER ZONING DISTRICT (FROM PRIOR ORDINANCE)		CURRENT ZONING DISTRICT	
NEW		MXD	Mixed-Use
CONDITIONAL ZONING DISTRICTS [2]			
CZR	Residential Conditional	CZR	Conditional Residential
NEW		CZM	Conditional Mixed-Use
NEW		CZC	Conditional Commercial
NEW		CZD	Conditional Downtown
CZI	Industrial Conditional	CZI	Conditional Industrial
OVERLAY ZONING DISTRICTS			
TOD	Thoroughfare Overlay District	DELETE	
WPO	Watershed Protection Overlay	WPOD	Watershed Protection Overlay
DOD	Downtown Overlay District	DELETE [1]	
NEW		FPOD	Flood Protection Overlay
NEW		GTOD	Gateway Overlay

NOTES:

[1] This is a new district developed based on the Downtown Master Plan. It would be a single zoning district that consolidates the B-1 district and the Downtown Overlay District into a new district Framework with a series of three or four sub-districts.

[2] Translation of former conditional zoning districts to conditional zoning districts in this Ordinance is solely a change in the name of the zoning district. There are no changes in any manner to the applicable requirements or other approvals associated with the establishment of the conditional zoning district under the prior ordinance. All lawfully-established rights and responsibilities are carried forward after (insert the effective date of this Ordinance) in accordance with State law.

3.2 CONVENTIONAL ZONING DISTRICTS

The following pages set out the tabular format for the conventional zoning districts as translated in the above table. Each district has its own table which identifies the purpose for the district, provides one or more photographic examples of the preferred forms of development and its configuration within the district, the dimensional standards applied in the zoning district, and schematics of how the dimensional standards are applied by use type. Some districts also include district-specific standards (like the newly-proposed Downtown district). In these cases, the district standards are also included with the district table. Changes between the current zoning districts in the UDC and the draft districts proposed here are summarized in the Appendix of this document.



3.2.1 (CRM) CORRIDOR COMMERCIALⁱ

This section sets out the new summary table for the former B-3 zoning district. This is the Town's most intense commercial district typically found in linear stretches along major roadways. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development (non-residential, residential, other). Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that do not create nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.2 (CON) CONSERVATIONⁱⁱ

This section sets out the new summary table for the new conservation district. This is a new district intended for parks, environmentally sensitive areas, and areas retained as open space. One aspect for the Town to consider is the possibility of rezoning resource conservation areas to this zoning district. The table includes a detailed purpose statement for the district and a set of basic dimensional standards for any allowable use types (buildings are extremely limited in the CON district). The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) as well as images of allowable forms of development.

3.2.3 (DTN) DOWNTOWNⁱⁱⁱ

This section includes the new zoning district for the Downtown area, anticipated to be comprised of up to three sub-districts (which may or may not correspond to the future land use designations in the comprehensive plan). The current Downtown Master Plan is being revised and the new sub-districts will be configured in accordance with that policy guidance. The district standards will not be drafted until after the new plan is adopted. Each subdistrict will bear a separate designator, and include its own unique purpose statements and dimensional standards. The dimensional standards are likely to depart from the current B-1 and Downtown Overlay district provisions in ways that foster development and redevelopment. Each subdistrict table will feature dimensional standards, precedent imagery, and sub-district specific standards that will address development size, compatibility, and character. The district will also include some guidance with respect to the ways in which land can be converted from one sub-district to another.

3.2.4 (FID) FLEXIBLE INDUSTRIAL^{iv}

This section includes the new Flexible Industrial district which is intended to accommodate the forms of development anticipated as "Employment Centers" contemplated in the comprehensive plan. The district will include a wide range of office, industrial, research, biopharma, and technology-based uses likely organized in a blend of single-site and campus-style settings. Residential uses are not permitted and commercial use types are limited to accessory uses intended to serve employees working in the district. Edge areas bordering residential development will be heavily treated with screening and compatibility techniques and roads will be configured to avoid the need to travel through residential neighborhoods. There will be open spaces preserved in visible areas and the district includes requirements for pedestrian circulation. Dimensional standards will be somewhat flexible and designed to avoid negative impacts on adjacent lands outside the district.



3.2.5 (HID) HEAVY INDUSTRIAL^v

This section sets out the new summary table for the former I-2 heavy industry zoning district. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development (industrial, commercial, other). Residential and most forms of institutional use are prohibited. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that do not create nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.6 (LID) LIGHT INDUSTRIAL^{vi}

This section sets out the new summary table for the former I-1 light industry zoning district. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development (industrial, commercial, other). The district includes a wide variety of industrial, commercial, and heavy institutional uses. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that do not create nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.7 (MXD) MIXED-USE^{vii}

This section establishes the new mixed-use district which allows mixed uses by right (without minimum requirements for differing amounts of square footage by use type). Ground-floor non-residential is encouraged but not required, and horizontally mixed uses (a blend of different use types in adjacent detached structures) is common. Development is subject to design control with an emphasis on compact form and use of architectural aspects and building design to protect compatibility rather than suburban landscaping and perimeter buffering. Buildings are close to the street or organized in campus settings with an emphasis on pedestrian orientation. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.8 (NCM) NEIGHBORHOOD COMMERCIAL^{viii}

This section sets out the new summary table for the former B-2 zoning district. This commercial district is intended to be neighborhood scale, is found on lots abutting key intersections, and along transportation corridors bounding residential areas. There is a dynamic mix of residential and non-residential use types with an emphasis on small scale, low building heights, pedestrian orientation, and high quality development that will not negatively impact adjacent residential uses. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development (non-residential, residential, other). Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that do not create nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.9 (OFI) OFFICE INSTITUTIONAL^{ix}

This section includes the consolidated O-R and O-I districts into a new consolidated district focused on office, institutional uses and higher density multi-family uses. The district serves as a transition between non-residential and large-scale institutional uses and adjacent



residential neighborhoods. The standards limit use types that could create negative impacts on institutional and office uses. Most forms of development are required to provide open space set-aside. Commercial development is permitted, but only as an accessory to allowable use forms and configured in ways that does not attract attention from persons living or working outside the district. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development (non-residential, residential, other). Dimensional standards are configured in ways that do not create nonconformities and are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.10 (PUB) PUBLIC FACILITIES^x

This section sets out the new summary table for the former PF public zoning district. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development (industrial, commercial, other). The district includes a wide variety of industrial, commercial, and heavy institutional uses, many which are intended to be owned or operated by public agencies. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that do not create nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.11 (RHD) RESIDENTIAL HIGH DENSITY^{xi}

This section sets out the new summary table for the former R-6 residential zoning district. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. The district permits a wide range of residential use types, supporting institutional activities (parks, schools, etc.) and even a handful of neighborhood-serving low intensity commercial uses. Emphasis is placed on open space, pedestrian circulation, and connection to nearby shopping, employment, and recreational uses. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that do not create nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.12 (RL) RESIDENTIAL LARGE LOT^{xii}

This section establishes the new summary table for the former R-E residential estate zoning district. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development (primarily low density residential in areas likely not to have sanitary sewer in the next five-to-ten years). While lots may be as small as 20,000 square feet, the intention of the district is to provide larger lots for larger homes in perimeter areas of Town away from significant concentrations of commercial or industrial development. The district encourages larger homes in lower densities with more suburban forms of infrastructure, supplemented with greenways that provide for pedestrian connection. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that do not create nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.



3.2.13 (RLD) RESIDENTIAL LOW DENSITY^{xiii}

This section sets out the new summary table for the former R-10 residential zoning district. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development (residential and supporting institutional). This district includes the majority of suburban residential neighborhoods found in Town that focus primarily on accommodating single-family detached residential structures on modest-sized lots. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that do not create nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.14 (RMD) RESIDENTIAL MEDIUM DENSITY^{xiv}

This section sets out the new summary table for the former R-8 residential zoning district. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. The district permits a wider range of residential use types and supporting institutional activities (parks, schools, etc.) than are permitted in the RLD district. Emphasis is placed on open space, pedestrian circulation, and connection to nearby shopping, employment, and recreational uses. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that do not create nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.15 (RMF) RESIDENTIAL MULTI-FAMILY^{xv}

This section sets out the summary table for a new by-right multi-family zoning district. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. The district permits a wide range of residential use types, including townhouses and multi-family development without need of a rezoning or special use permit. It also accommodates supporting institutional activities (parks, schools, etc.) and even a handful of neighborhood-serving low intensity commercial uses. Emphasis is placed on open space, pedestrian circulation, and connection to nearby shopping, employment, and recreational uses. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

3.2.16 (RUR) RURAL^{xvi}

This section sets out the summary table for a new rural zoning district found in peripheral areas of Town unlikely to be served by public sewer. The table includes a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. The district permits agriculture, low density residential, and is expected to accommodate a wide variety of low intensity home occupations. Because of its rural nature and likelihood for use as a “holding” zone for land within the Town’s ETJ it does also permit a narrow range of commercial and institutional uses. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.



3.3 CONDITIONAL ZONING DISTRICTS

This section sets out the Town's six conditional zoning districts. These districts are established as "stand-alone" zoning districts, each with an emphasis on the type of development they accommodate (rather than as a set of parallel conditional districts matching up to corresponding conventional districts). The conditional districts offer ways to accommodate use types that require additional consideration or provide a "safety valve" to landowners looking to accommodate a specific type of use not generally permitted in a corresponding conventional zoning district but still appropriate for the residential, commercial, or industrial nature of the area. Each conditional district sets out a unique range of dimensional standards which may be used under the limited use or limited standard conditional rezoning options, or may serve as a "starting point" for applicants seeking to use the master planned conditional zoning option.

While each conditional zoning district includes a set of allowable use types that are only permitted within a conditional zoning district, the limited use option of conditional rezoning can be used to establish any corresponding residential, commercial, or industrial use permitted in the corresponding conventional districts. Establishment of a limited use conditional rezoning district still requires an applicant to establish the particular version of conditional zoning district sought, but that district may be used to accommodate any of the common use types associated with the use classification. For example, the CZC district can be used to establish a limited use option for the establishment of a hotel, but a CZR district could not be used as a limited use option for a hotel since it is basically a residential district.

3.3.1 (CZC) CONDITIONAL COMMERCIAL^{xvii}

3.3.2 (CZD) CONDITIONAL DOWNTOWN^{xviii}

3.3.3 (CZI) CONDITIONAL INDUSTRIAL^{xix}

3.3.4 (CZM) CONDITIONAL MIXED-USE^{xx}

3.3.5 (CZR) CONDITIONAL RESIDENTIAL^{xxi}



3.4 OVERLAY ZONING DISTRICTS

This section establishes the three forms of overlay zoning district. It identifies the purpose of overlay districts, clarifies that overlay district standards apply in addition to underlying conventional or conditional zoning district standards, and that conflicts between the two are generally controlled by the overlay district provisions.

3.4.1 WPOD WATERSHED PROTECTION OVERLAY DISTRICT

This section carries forward and amends the water supply watershed standards in Section 501 of the UDC. The standards are carried forward but will be reviewed for consistency with the State's most recent set of model ordinances for the applicable watershed.

3.4.2 FPOD FLOOD PROTECTION OVERLAY DISTRICT

This section relocates the Town's current flood damage prevention standards from Chapter 151 of the Town Code and treats the special flood hazard area as an overlay district. The current flood damage prevention material is integrated into the balance of the UDO instead of being configured as a stand-alone ordinance with its own procedures, definitions, and administrative sections. This material will be updated for consistency with the State's newest model language for flood damage prevention, where appropriate.

3.4.3 GTOD GATEWAY OVERLAY DISTRICT

This section includes the new gateway corridor overlay designed to replace the current thoroughfare overlay district in key entryways or gateways into the Town. The GTOD is intended as a framework district that establishes a uniform set of basic standards and requirements for any gateway areas. These general standards are then supplemented with location-specific standards prepared for individual gateway areas following completion of a Town-generated small area plan. This allows for unique gateway standards developed for unique areas. Much of the current landscaping and access-related material in the current thoroughfare overlay districts will be subsumed by the new standards in Chapter 6, Standards.

3.5 GENERAL DIMENSIONAL STANDARDS

This section sets out the range of generally applicable dimensional standards and "rules of thumb" with respect to aspects such as maximum number of buildings per lot, lot sizes and special purpose lots (for utility features, not habitable uses), setbacks and required yards (including options for contextual setbacks and the operational requirements for zero lot line development).

3.6 INCENTIVES AND ALTERNATIVES

This section recognizes the range of options with respect to dimensional requirements for development that voluntarily complies with single-family residential design guidelines, sustainability incentives, administrative adjustments, variances, pocket neighborhoods, bungalow courts, and live/work forms of development. The section also recognizes that alternative forms of compliance are available and that in some cases, approval of these approaches may permit corresponding changes or deviations from otherwise applicable dimensional requirements.



3.7 MEASUREMENTS AND EXCEPTIONS

This section carries forward and builds upon Section 201 in the UDC. It includes material explaining the different types of lots, lot lines, setbacks, and required yards. It identifies how various dimensional standards (like building height or use separations) are measured, and it sets out the allowable forms of deviation (such as exceptions to building heights, encroachments into setbacks, etc.). It also includes the basic rules for measurement such as rounding, determination of impervious surface, slope, and other basic measurement rules. Each set of standards will include illustrations demonstrating how the standards operate.

3.8 ZONING MAP

This section sets out the basic provisions related to the Official Zoning Map.

3.8.1 GENERALLY

This section explains where the map is maintained, its format, its relationship to other maps (like the FIRM), how people can access the maps and obtain copies.

3.8.2 INCORPORATED BY REFERENCE

This section incorporates the Official Zoning Map and other regulatory maps (but not the Future Land use Map) into the UDO.

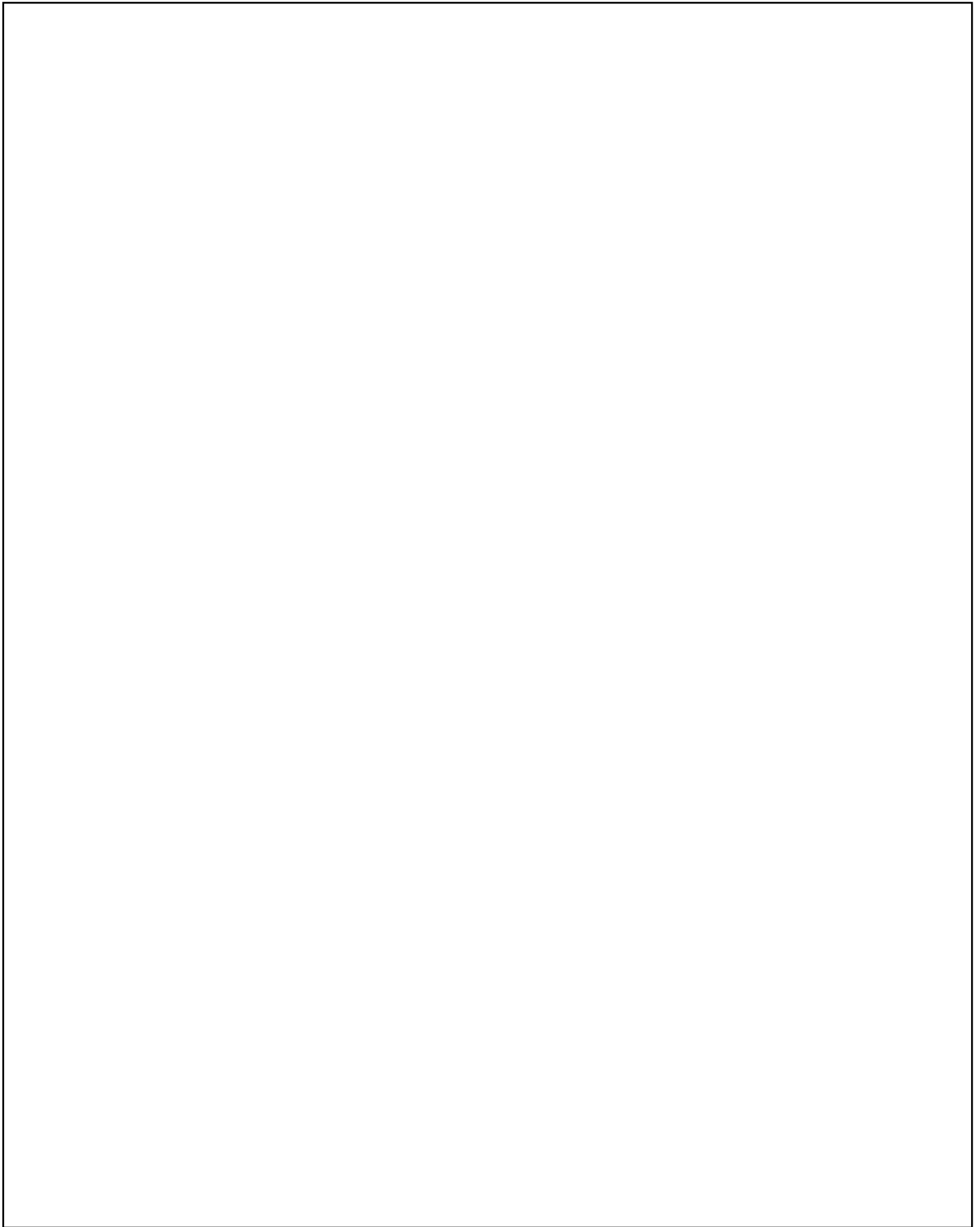
3.8.3 INTERPRETATION OF MAP BOUNDARIES

This section sets out the rules for the Planning Director to follow in making determinations related to zoning district boundaries.

3.8.4 REVISION

This section explains the duties and functions related to maintenance of the Official Zoning Map following approval of map amendments, street closures, and similar applications.





CHAPTER 4

LAND USES

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Chapter 4
Land Uses

Section 3.8 Zoning Map
Sub-section 3.8.4 Revision

KEY CHANGES FROM CURRENT UDC

Text here will be added during Task 4, Drafting



4.1 CHAPTER INTRODUCTION

4.1.1 CHAPTER ORGANIZATION

This section identifies the six main sections in the chapter and how they relate to one another.

4.1.2 LAND USES DISTINGUISHED

This section explains the distinctions between principal, secondary (accessory), and temporary uses.

4.2 PRINCIPAL USES

4.2.1 APPLICABILITY

This section explains what constitutes a principal use of a lot.

4.2.2 ESTABLISHMENT OF A PRINCIPAL USE

This section explains the process to follow in establishing a principal use.

4.2.3 CHANGE OF A PRINCIPAL USE

This section explains what constitutes a change in use type (as many of the UDO standards are applied at the time of a change in use)

4.2.4 COMBINATION PRINCIPAL USES

This section describes how lots with more than one different principal uses or combination principal uses are addressed.

4.2.5 LISTING OF COMMON PRINCIPAL USES

This section introduces and explains the listing of common principal uses and the organizational approach to distinguishing between different uses.

A. GENERALLY

Table <>, Listing of Common Principal Uses, lists use classifications, use categories, principal use types, and indicates whether the principal use type is permitted by-right, by a special use permit, or is prohibited in a particular zoning district. It also includes a reference to any applicable use standards that apply to a particular principal use.

1. USE CLASSIFICATIONS

- a. Individual principal uses in the principal use listing are organized into one of the following five different use classifications, based upon their characteristics: Agricultural; Commercial; Industrial; Institutional; and Residential.
- b. Use classifications are more generally described in Section <>, Unlisted Uses.

2. USE CATEGORIES

- a. Each of the five use classifications includes a series of use categories. Use categories are groupings of similar use types that are grouped based on similar purposes or functional characteristics.



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

- b. Individual use types listed in the table of principal use types are listed in alphabetical order by use category.
- c. Use categories are more generally described in Section <>, Unlisted Uses.

3. USE TYPES

- a. Use types are the individual principal use types.
- b. Each individual use type is defined in Section <>, Definitions.

4. USE PERMITTED BY RIGHT

- a. A "P" in a cell of the principal use table indicates that the specific use type is permitted by-right in the corresponding zoning district, subject to compliance with any referenced use standards and any other applicable standards in this Ordinance.
- b. By-right uses require issuance of a zoning compliance permit or building permit prior to establishment and may also require approval of a site plan (see Section <>, Site Plan).

5. USE PERMITTED BY SPECIAL USE PERMIT

An "S" in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special use permit in accordance with Section <>, Special Use Permit. Special uses must also comply with any referenced use standards and any other applicable standards in this Ordinance.

6. USE PERMITTED IN CONDITIONAL ZONING DISTRICT

- a. A "C" in a cell of the principal use table indicates that the specific use type is allowable in a conditional zoning district, subject to any referenced use standards.
- b. Establishment of a conditional use requires approval of a conditional rezoning (see Section <>, Conditional Rezoning).

7. USE PROHIBITED

An "•" symbol in a cell of the summary use table indicates that the specific use type is not permitted in the corresponding zoning district.

8. USE STANDARD APPLIES

The right-most column of the table includes a reference to any applicable use standards associated with a particular use type. Unless otherwise stated in the standards, a use standard applies to a particular use regardless of the zoning district where it is located.



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

TABLE <>: 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

Use Category	CON	Residential Districts						MXD	Non-Residential Districts								PUB	Conditional Districts					Use Stds.	
Use Type		RUR	RLT	RLD	RMD	RHD	RMF		OFI	DTN	DTN	DTN	NCM	CRM	LID	FID		HID	CZR	CZM	CZC	CZD		CZI
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
AGRICULTURAL USE CLASSIFICATION																								
Agricultural Processing																								
Agricultural Packaging & Processing	•	S		•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	•	C	•	•		
Agricultural Storage & Distribution	•	S		•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	•	C	•	•		
Agricultural Production																								
Horticulture	•	P	P	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	•		
Plant Nursery (retail or wholesale)	•	•	P	•	•	•	•	•	•	•	•	P	P	P	•	•	P	•	•	•	•	•		
Nursery			P						P	S	S	S	P	P			P							
Row, Field, or Tree Crops	•	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
Silviculture	P	P	P	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•	•	•	•		
Viticulture	•	P	P	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•	•	•	•		
Agricultural Support Service																								
Farm Equipment Sales and Service	•	P	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•	•	C	•	•		
Farm Supply	•	•	P	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•	•	C	•	•		



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

TABLE <>: 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

USE CATEGORY		RESIDENTIAL DISTRICTS								NON-RESIDENTIAL DISTRICTS									CONDITIONAL DISTRICTS					USE STDS.
USE TYPE	CON	RUR	RTL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCN	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD	CZL	
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI				B-1	B-2	B-3	I-1	I-2	PF						
Sales (retail or wholesale)																								
Agriculture, Sales and Service			P														S							
Livestock Related																								
Animal Husbandry	•	P	P	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•	C	•	•	<>
Agriculture, Livestock			P																					
Animal Processing	•	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	•	•	•	•	<>
Equestrian Facility	•	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•	<>
Stable, Private			P																					
COMMERCIAL USE CLASSIFICATION																								
Animal Related																								
Animal Shelter	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	P	P	•	•	C	•	•	<>
Boarding, Indoor Only	•	P	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	•	•	C	<>
Boarding Indoor and Outdoor	•	S	•	•	•	•	•	•	•	•	•	•	•	S	P	•	•	•	•	•	•	•	C	<>
Kennel			S										P	P										
Grooming	•	P	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	C	•	•	•	
Veterinary	•	P	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•	•	•	•	<>



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

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Use Category		Residential Districts							Non-Residential Districts									Conditional Districts					Use Stds.	
Use Type	CON	RUR	RTL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCM	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD		CZL
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Services, Large Animal																								
Veterinary Services, Small Animal	.	P	.	.	.	.	.	.	P	.	.	.	P	P	.	.	.	.	.	.	.	C	.	
Veterinary Clinic									P				P	P										
Eating & Drinking																								
Bar, Cocktail Lounge, Private Club	.	.	.	.	.	.	.	.	.	P	P	P	S	P	P	.	.	.	.	C	.	C	.	<>
Lounge, Cocktail										S	S	S	S	S	S									
Bottle Shop (on-premise consumption)	.	.	.	.	.	.	.	P	.	P	P	P	P	P	P	.	.	.	.	.	.	.	.	<>
Catering Establishment	.	.	.	.	.	.	.	P	.	P	P	P	P	P	P	P	.	.	.	.	.	.	.	
Coffee Shop or Bakery	.	.	.	.	.	.	.	P	.	P	P	P	P	P	P	.	.	.	.	.	.	.	C	
Micro Brewery or Distillery	.	.	.	.	.	.	.	.	.	P	P	P	P	P	P	P	P	.	.	C	.	.	.	<>
Microbrewery										P	P	P	S	P	P		P							
Mobile Restaurant	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	P	.	.	C	C	C	.	<>
Restaurant with Drive Through	.	.	.	.	.	.	.	.	.	.	.	.	P	P	.	.	.	.	.	.	.	.	C	<>



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Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Restaurant Indoor Seating Only	•	•	•	•	•	•	•	P	•	P	P	P	P	P	•	•	•	•	•	•	•	•	C	
Restaurant Indoor and Outdoor Seating	•	•	•	•	•	•	•	P	•	P	P	P	P	P	•	•	•	•	•	•	•	•	•	<>
Restaurant									P	P	P	P	P	P										
Restaurant Walk-up Service Only	•	•	•	•	•	•	S	P	•	P	P	P	P	P	•	•	•	•	•	•	•	•	C	
Equipment Related																								
Heavy Equipment Sales, Rental, & Repair	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	<>
Light Equipment Sales, Rental, & Repair	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•	<>
Event Venue																								
Event Venue, Indoor Only	•	S	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	•	•	•	•	C	<>
Event Venue, Indoor & Outdoor	•	S	S	•	•	•	•	•	P	P	P	P	S	P	•	•	•	•	•	•	•	•	C	<>
Financial Services																								
Bank or Credit Union	•	•	•	•	•	•	•	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	•	



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Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI				B-2	B-3	I-1		I-2	PF						
Check Cashing/ Payday Lending	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	C	•	•	<>
Financial Services	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	•	
Financial Institution									P	S	S	S	P	P										
Pawn Shop	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	•	•	<>
Pawn Shop														P	P									
Lodging																								
Bed & Breakfast	•	P	P	P	•	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	•	•	<>
Bed and Breakfast			P			S			S	S	S	S												
Campground	S	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	<>
Hotel or Motel	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	C	<>
Hotel/Motel									P	S	S	S	P	P										
Recreational Vehicle Park	•	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	C	<>
Office Related																								
Co-Working Space	•	•	•	•	•	•	P	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	•	<>
Office, High Intensity	•	•	•	•	•	•	•	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	•	<>
Office, Medical									P	P	P	P	P	P										
Office, Low Intensity	•	•	•	•	•	P	P	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	•	



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USE TYPE	CON	RUR	RTL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCM	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD	CZI	
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Office, General									P	P	P	P	P	P	P			P						
Parking Related																								
All Use Types	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	P	P	P	•	C	•	•	•	
Parking Lot									S	S	S	S	S	S	S		S	S						
Personal Services																								
Barber or Beauty Salon	•	•	•	•	•	•	•	P	•	P	P	P	P	P	•	•	•	•	•	•	•	•	•	
Computer Related Services	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	C	
Service									P	P	P	P	P	P										
Day Spa (medical or non-medical)	•	•	•	•	•	•	•	P	•	P	P	P	P	P	•	•	•	•	•	•	•	•	•	
Fitness Center	•	•	•	•	•	•	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	<>
Fitness/ Recreation Center									P	S	S	S	P	P	P			P						
Funeral Related Services	•	•	•	•	•	•	•	•	P	•	•	•	•	P	P	•	•	•	C	•	•	•	•	<>
Funeral Home			S						P															
Crematorium															P		P							
Hair, Nail, and Skin Related Services	•	•	•	•	•	•	•	P	•	P	P	P	P	P	•	•	•	•	•	•	•	•	•	
Instructional	•	•	•	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	



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USE TYPE	CON	RUR	RTL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCM	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD	CZI	
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Services																								
Creative Studio									P	P	P	P	P	P										
Laundry and Cleaning	•	•	•	•	•	•	•	P	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	<>
Laundry Services													P	P	P		P							
Packaging and Shipping	•	•	•	•	•	•	•	P	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	
Publisher									P					P	P		P							
Repair Shop	•	•	•	•	•	•	•	P	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	<>
Tanning Salon	•	•	•	•	•	•	•	P	•	P	P	P	P	P	•	•	•	•	•	•	•	•	•	
Tattoo & Piercing Establishment	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•	C	•	•	C	<>
Tattoo Parlor														P										
Recreation Related																								
Nightclub or Dance Hall	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•	•	•	C	C	<>
Indoor Commercial Recreation	•	•	•	•	•	•	•	P	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	<>
Entertainment, Indoor									P	S	S	S	P	P	P		P							
Outdoor Commercial Recreation	•	S	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	•	•	<>



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USE TYPE	CON	RUR	RTL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCM	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD	CZL	
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI				B-2	B-3	I-1		I-2	PF						
Entertainment, Outdoor	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•						
Theatre, Indoors	•	•	•	•	•	•	•	P	•	P	P	P	P	P	P	•	•	•	•	•	•	•	•	
Theatre, Outdoors	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	C	C	<>
Retail Sales																								
Bulky Item Sales	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	•	•	<>
Convenience Store (with gasoline sales)	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	•	<>
Convenience Store (with gas sales)													P	P	P									
Flea Market	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	•	•	<>
Gasoline Sales	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	•	<>
General Retail, High Intensity	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	C	•	•	•	<>
General Retail, Low Intensity	•	•	•	•	•	•	•	P	•	P	P	P	P	P	P	•	•	•	•	•	•	•	•	<>
Retail Sales										P	P	P	P	P	P									
Grocery Store	•	•	•	•	•	•	•	P	•	P	P	P	P	P	P	•	•	•	•	C	•	•	•	<>
Pharmacy	•	•	•	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	<>
Retail, Large Format	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	•	•	<>



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Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI		B-1		B-2	B-3	I-1		I-2	PF						
Retail, Micro	•	•	•	•	•	•	P	P	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	<>
Sexually-Oriented Business																								
All Use Types	•	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	•	•	•	•	•	•	<>
Adult Oriented Business															S									
Storage Related																								
Storage, Indoor Only	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	•	•	•	•	•	<>
Storage, Indoor and Outdoor	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	•	•	•	•	<>
Self-storage Facility														S	P									
Vehicle Related																								
Vehicle Repair and Service (no painting/bodywork)	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	•	•	•	C	•	<>
Vehicle Repair or Service														S	P		P							
Vehicle Sales and Rental	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	•	•	<>
Vehicle Sales and Rental														S	P		P							
Vehicle Painting/Bodywork	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	•	•	•	•	<>



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USE CATEGORY	CON	RESIDENTIAL DISTRICTS							MXD	NON-RESIDENTIAL DISTRICTS								PUB	CONDITIONAL DISTRICTS					USE STDS.	
USE TYPE		RUR	RTL	RLD	RMD	RHD	RMF	OFI		DTL	DTL	DTL	NCM	CRM	LID	FID	HID		CZR	CZM	CZC	CZD	CZI		
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF							
Vehicle Parts and Accessory Sales	.	.	.	.	.	.	.	.	.	.	.	.	P	P	.	.	.	.	.	C	.	.	.	.	<>
Vehicle Towing and Storage	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	P	.	.	.	.	.	.	.	.	<>
Towing Service and Storage													S	S		P									
Vehicle Washing or Detailing	.	.	.	.	.	.	.	.	.	.	.	.	P	P	.	.	.	.	.	C	.	C	.	.	<>
Car Wash/Auto Detailing													P	P											
INDUSTRIAL USE CLASSIFICATION																									
Energy Related																									
Fuel Oil/Bottled Gas Distribution	.	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	.	.	.	.	.	.	.	<>
Gas and Fuel, Wholesale															P		P	P							
Level 2 Solar Energy Conversion	.	S	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	.	.	.	.	.	.	<>
Level 3 Solar Energy Conversion	.	S	.	.	.	.	.	.	.	.	.	.	.	.	.	.	S	S	.	.	.	.	.	.	<>
Renewable Energy Facility			S												S		S	S							



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Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Wind Energy Conversion	.	S	.	.	.	.	.	.	.	.	.	.	.	.	.	.	S	S	.	.	.	.	.	<>
Extractive Industry																								
All Use Types	.	S	.	.	.	.	.	.	.	.	.	.	.	.	.	.	S	.	.	.	.	.	.	
Flex Space																								
Business Incubator	.	.	.	.	.	.	.	.	P	P	P	P	P	P	P	P	P	.	.	C	.	.	.	<>
Maker Space	.	.	.	.	.	.	.	P	.	.	.	.	.	P	P	P	P	P	.	.	.	C	.	<>
Research and Development	.	.	.	.	.	.	.	.	P	.	.	.	.	.	P	P	P	P	.	C	C	.	.	
Research and Development									P						P		P							
Laboratory, Research									P						P		P							
Industrial Services																								
Asphalt or Concrete Plant	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	P	.	.	.	.	.	C	<>
Contractor Services Office/Yard	.	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	.	.	.	C	.	.	<>
Contractor Office									P					P	P		P							
Electrical, HVAC, or Plumbing Fabrication	.	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	.	.	.	C	.	.	<>



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Use Category		Residential Districts							Non-Residential Districts									Conditional Districts					Use Stds.	
Use Type	CON	RUR	RTL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCM	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD		CZI
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Metal Fabrication	.	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	.	.	.	.	.	.	<>
Manufacturing																								
Heavy Manufacturing	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	.	.	.	.	.	.	<>
Manufacturing, Heavy																	P							
Light Manufacturing	.	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	.	.	.	.	.	.	<>
Manufacturing, Light															P		P							
Utility Related																								
Major Utility	.	.	.	.	.	.	.	.	S	.	.	.	.	.	P	P	P	P	.	.	C	C		<>
Utility, Major															P		P	P						
Minor Utility	.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	
Utility, Minor			P	P	P	P			P	P	P	P	P	P	P		P	P						
Warehouse Related																								
Freight Terminal	.	.	.	.	.	.	.	.	.	.	.	.	.	S	P	P	P	.	.	.	.	.	.	<>
Warehouse, Freight Movement														S	P		P							
Warehouse, Distribution	.	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	.	.	.	C	.	.	<>
Warehouse, Storage Only	.	.	.	.	.	.	.	.	.	.	.	.	.	.	P	P	P	.	.	.	C	.	.	<>



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USE CATEGORY	CON	RESIDENTIAL DISTRICTS							MXD	NON-RESIDENTIAL DISTRICTS								PUB	CONDITIONAL DISTRICTS					USE STDS.
USE TYPE		RUR	RTL	RLD	RMD	RHD	RMF	OFI		DTL	DTN	DTN	NCM	CRM	LID	FID	HID		CZR	CZM	CZC	CZD	CZL	
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6		OI	B-1			B-2	B-3	I-1		I-2	PF							
Waste Related																								
Recycling Center	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	◁▷	
Recycling Center														S		P	P							
Salvage and Junkyard	•	S	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•	•	◁▷	
Transfer Station	•	S	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	◁▷	
Waste Service														S		P	P							
Wholesale Sales																								
Indoor Only	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	•	C	C	•		
Indoor and Outdoor	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	•	•	•	•	◁▷	
Building Supplies, Wholesale														P		P								
INSTITUTIONAL USE CLASSIFICATION																								
Assembly																								
Auditorium, Coliseum, Convention Center	•	•	•	•	•	•	•	•	P	P	P	P	•	P	•	P	•	P	•	•	•	•	◁▷	
Assembly			S						P	S	S	S	S	P			P							
Community Center	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	C	•	•	•	•		
Fraternal Club or	•	•	•	•	•	•	S	P	P	P	P	P	•	P	•	•	•	•	C	•	C	•	•	◁▷



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Use Type	CON	RUR	RLL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCM	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD		CZI
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Lodge																								
Assembly			S						P	S	S	S	S	P										
Religious Institution High Intensity	.	.	.	.	.	.	S	P	P	.	.	.	.	P	.	.	.	.	C	.	C	C	.	<>
Religious Institution Low Intensity	.	.	.	.	.	.	P	P	P	P	P	P	.	P	.	.	.	.	C	.	C	.	.	<>
Church or Place of Worship			S	S	S	S			P				P	S										
Cultural Facility																								
Library	.	.	.	.	.	P	P	P	P	P	P	P	P	P	.	.	.	P	.	.	.	.	.	
Museum	.	.	.	.	.	.	.	P	P	P	P	P	P	P	.	.	.	P	.	.	.	.	.	
Day Care																								
Adult Day Care	.	.	.	.	.	.	.	P	P	.	.	.	P	P	P	.	.	.	.	.	.	.	.	<>
Child Day Care	.	.	.	.	.	.	P	P	P	P	P	P	P	P	.	.	.	.	C	.	.	.	C	<>
Day Care Facility			S	S	S	S			P				P	P										
Education Related																								
College or University	.	.	.	.	.	.	.	.	P	.	.	.	.	P	.	P	.	P	.	.	.	.	.	<>
College or University									P									P						
School, Elementary or	.	.	P	.	.	.	P	P	P	P	P	P	.	.	.	.	.	.	C	.	C	.	.	



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USE TYPE	CON	RUR	RTL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCM	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD	CZI	
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Middle																								
School, High	•	•	P	•	•	•	P	P	P	P	P	P	•	•	•	•	•	•	C	•	C	•	•	<>
School (Elementary or Secondary)			S	S	S	S			P															
School, Vocational	•	•	•	•	•	•	•	•	P	•	•	•	•	P	P	P	P	•	•	•	•	C	•	<>
School (Technical, Trade, or Business)			S	S	S	S			P					P	P		P	P						
Government Related																								
Fire/EMS/ Police Station	•	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	•	P	C	C	C	C	C	<>
Government Office	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	P	C	•	•	•	•	
Government Service			S	S	S	S			P	P	P	P	P	P	P		P	P						
Governmental Training Facility	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	P	C	•	C	•	•	<>
Gun Range										S	S	S		S	S	S	S	S						
Post Office	•	•	•	•	•	•	•	P	P	P	P	P	P	P	P	P	•	P	•	•	•	•	•	
Health Care																								
Hospital	•	•	•	•	•	•	•	•	P	•	•	•	•	P	•	•	•	P	•	•	C	•	•	<>
Hospital or									P					P				P						



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Use Type	CON	RUR	RTL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCM	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD	CZL	
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Medical Center																								
Laboratory	.	.	.	.	.	.	.	.	P	.	.	.	P	P	.	P	.	P	.	C	.	.	.	<>
Outpatient Facility	.	.	.	.	.	.	.	P	P	P	P	P	P	P	.	.	.	P	.	.	.	.	.	<>
Psychiatric Services	.	.	.	.	.	.	.	.	S	.	.	.	.	.	.	.	.	S	.	.	.	.	.	<>
Residential Treatment Facility	.	.	.	.	.	.	S	.	P	.	.	.	.	.	.	.	.	P	.	C	.	C	.	<>
Urgent Care	.	.	.	.	.	.	.	P	P	.	.	.	P	P	.	.	.	P	.	.	.	C	C	<>
Open Space																								
Arboretum or Formal Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	.	P	.	P	C	C	C	C	.	
Cemetery or Mausoleum	.	P	P	.	.	.	.	.	P	.	.	.	.	.	.	.	.	P	C	.	C	.	.	<>
Cemetery			P											S				P						
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	.	.	.	.	P	.	.	.	.	.	
Community Recreation Facility (private)	.	P	P	P	P	P	P	P	P	.	.	.	.	.	.	.	.	.	.	.	.	C	.	
Recreation Related																								
Athletic Field or Court	.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	.	P	.	.	.	.	.	



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USE TYPE	CON	RUR	RTL	RLD	RMD	RHD	RMF	MXD	OFI	DTN	DTN	DTN	NCN	CRM	LID	FID	HID	PUB	CZR	CZM	CZC	CZD	CZI	
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI				B-2	B-3	I-1		I-2	PF						
Golf Course (public or private)	•	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	C	•	•	
Golf Course			P	P	P	P												P						
Indoor Recreation, Public	•	•	P	•	•	•	P	P	P	P	P	P	P	P	•	•	•	P	•	•	•	•	C	
Outdoor Recreation, Public	•	P	P	P	•	•	P	P	P	•	•	•	•	•	•	•	•	P	•	•	•	C	•	
Park or Playground (public or private)	•	P	P	P	P	P	P	P	P	P	P	P	P	P	•	•	•	P	•	•	•	•	•	
Park			P	P	P	P			P	S	S	S	P					P						
Telecommunications																								
Antenna Collocation, Major	•	P	•	•	•	•	•	P	P	P	P	P	P	P	P	P	P	P	•	C	C	C	C	<>
Antenna Collocation, Minor	•	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	<>
Broadcasting Studio	•	•	•	•	•	•	•	•	P	•	•	•	P	P	P	•	•	P	•	•	•	C	•	
Radio or Television Studio														P	P		P							
Broadcasting	•	S	•	•	•	•	•	•	•	•	•	•	•	•	S	S	S	•	•	•	•	•	•	<>



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Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Tower																								
Small Wireless Facility	•	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	•	•	•	•	•	<>
Telecom-munications Facility, Major	•	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	S	•	•	•	•	C	<>
Telecom-munications Facility			S	S	S	S			S	S	S	S	S	S	S		S	S						
Telecom-munications Facility, Minor or Concealed	•	P	•	•	•	P	P	P	P	P	P	P	P	P	P	P	P	P	C	•	•	•	•	<>
Transportation																								
Bus Station	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	P	C	•	•	•	•	
Park and Ride Facility	•	•	•	•	•	•	P	P	P	•	•	•	P	P	P	P	•	P	C	•	•	C	•	
Rail Related	•	•	•	•	•	•	•	P	P	P	P	P	P	P	P	P	•	P	•	•	•	•	•	
RESIDENTIAL USE CLASSIFICATION																								
Assisted Living																								
Congregate Care	•	•	•	•	•	P	P	P	P	•	•	•	P	•	•	•	•	•	C	•	C	•	•	<>
Nursing Home (Congregate Living Facility)			P						P				P	P										



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Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Continuing Care Retirement Community	•	•	•	•	•	S	P	P	P	•	•	•	P	•	•	•	•	•	C	•	•	•	•	<>
Group Living																								
Boarding House		•	•	•	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	<>
Boarding House						S			S				S											
Family Care Home	•	P	P	P	P	P	P	P	•	P	P	P	P	•	•	•	•	•	•	•	•	•	•	<>
Group Home	•	•	•	•	•	S	S	S	S	•	•	•	•	•	•	•	•	•	C	•	C	•	•	<>
Group Care Home (2-6)			P	P	P	P																		
Group Care Home (7-12)			S	S	S	S			S				S											
Group Care (13+)									S				S											
Halfway House	•	•	•	•	•	•	•	•	S	•	•	•	•	•	•	•	•	•	•	•	C	•	•	<>
Homeless Shelter	•	•	•	•	•	•	•	•	S	•	•	•	•	S	•	•	•	•	•	•	•	•	•	<>
Household Living																								
Bungalow Court	•	•	•	•	P	P	P	P	P	P	P	P	P	•	•	•	•	•	C	•	•	•	•	<>
Conservation Subdivision	•	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	<>
Live/Work	•	•	•	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	C	•	•	•	•	<>
Manufactured Home (Class A Doublewide)	•	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•	<>



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Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Manufactured Home			P																					
Manufactured Home (Class B Singlewide)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•	<>
Manufactured Home Park	•	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•	<>
Manufactured Home Park			S																					
Multi-Family Dwelling	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	•	•	C	•	•	•	•	<>
Apartments				S	S	S			S	S			S	S										
Pocket Neighborhood	•	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	•	C	•	•	•	•	<>
Single-Family Attached Dwelling	•	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	•	C	•	•	•	•	<>
Townhouse				S	S	S			S				S	S										
Single-Family Detached Dwelling	•	P	P	P	P	P	P	P	•	P	P	P	P	•	•	•	•	•	C	•	•	•	•	<>
Single Family House			P	P	P	P			P															
Tiny Home	•	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	<>
Triplex or	•	•	•	•	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	•	•	<>



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Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF						
Quadplex																								
Two-Family Dwelling	•	•	•	P	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	•	•	<>
Duplex				S	S	S			S															
Upper-Story Dwelling	•	•	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	C	•	•	•	•	<>
Upper-Story Residence									P	P	P	P	P	P										



4.2.6 STANDARDS FOR SPECIFIC PRINCIPAL USES

This section sets out the full range of use-specific standards for the common principal uses and consolidates and updates the standards in Section 301 through 307 and 310 of the UDC. Principal uses are listed in alphabetical order to ease in navigation. Numerous sets of current use standards like those for manufactured homes, telecommunications facilities, energy-generating uses, and the range of new housing options will be set down in this section. The principal use listing includes dynamic links to these standards (in the digital version of the document).

4.3 PROHIBITED USES

This section sets out the list of use types that are prohibited everywhere within the Town's planning jurisdiction (organized by use classification) as well as the list of use types that are prohibited based upon an overlay zoning district designation (like water supply watershed or flood protection).

4.4 SECONDARY USES

This section sets out the standards for secondary (or accessory) use types. These are use types that are incidental to a principal use on the same lot.

4.4.1 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 through the approval of a zoning compliance permit or special use permit, as appropriate.
- B. Except as permitted in the RUR zoning district, no secondary use or structure shall be approved, established, or constructed before a principal use is approved in accordance with this Ordinance.
- C. Table <>, 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 <>, Listing of Common Principal Uses, to determine if the proposed secondary use corresponds to a listed principal use.
- D. Any permitted principal use in a zoning district is also permitted as secondary use.
- E. 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 <>, Listing of Common Secondary Uses, and there is no corresponding principal use, the Planning Director shall determine how to treat the secondary use in accordance with Section <>, Unlisted Uses.

4.4.2 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.



4.4.3 GENERAL STANDARDS FOR ALL SECONDARY USES

A. PERMITTED SECONDARY USES AND STRUCTURES

Permitted secondary uses, structures, and open air uses of land shall comply with the following:

1. Are clearly incidental to an allowed principal use or structure;
2. Are subordinate to and serve an allowed principal use or structure;
3. Are subordinate in area, extent, and purpose to the principal use or structure; Contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure; and
4. Are customary or typically-associated with the principal use and do not include an activity that is prohibited in the zoning district where proposed.

B. LOCATION OF SECONDARY USES AND STRUCTURES

1. Except for fences and walls contributing to the screening function of a landscaping buffer, no secondary use, structure, or open air use of land shall be located within a required landscaping buffer except in accordance with Section <>, Landscaping and Screening.
2. No secondary use, structure, or open air use of land may be located in a required setback except as permitted by Section <>, Allowable Encroachments.
3. No secondary use, structure, or open air use of land shall:
 - a. Be within five feet of a lot line, except as authorized by Section <>, Allowable Encroachments;
 - b. Be located within a designated fire lane;
 - c. Obstruct required sight distance triangles; Impede ingress or egress to a lot, site, or principal structure;
 - d. Be located above or beneath public utilities (except for fences or walls);
 - e. Interfere with drainage or stormwater control measures; or
 - f. Be within an emergency access route designated on an approved site plan.
4. Except for authorized stormwater control measures within a drainage easement, no secondary use, structure, or open air use of land shall be located within any platted or recorded easement without the prior written consent of the landowner.

C. MAXIMUM HEIGHT

Secondary structures shall comply with the height requirements for the zoning district where located.

D. MAXIMUM NUMBER



Chapter 4 Land Uses

Section 4.4 Secondary Uses

Sub-section 4.4.3 General Standards for All
Secondary Uses

1. In no instance shall a residential lot contain more than three separate secondary structures, uses, or open air use of land.
2. There is no limit to the number of separate secondary structures, uses, or open air use of land on non-residential or mixed-use lots, provided the development complies with the standards in [Section <>, Maximum Size](#).

E. MAXIMUM SIZE

1. RUR DISTRICT

- a. In no instance shall the total floor area of any individual secondary structure or use on a lot exceed the total floor area of the principal structure. In cases where there is more than one principal structure on a lot, the total floor area of the smallest principal structure shall be used for this calculation.
- b. The combined cumulative floor area of all secondary structures or uses on a lot shall not exceed the total floor area of the principal structure. In cases where there is more than one principal structure on a lot, the total floor area of the smallest principal structure shall be used for this calculation.

2. ALL OTHER RESIDENTIAL DISTRICTS

- a. In no instance shall the total floor area of any individual secondary structure or use on a lot exceed the total floor area of the principal structure by more than 50 percent. In cases where there is more than one principal structure on a lot, the total floor area of the smallest principal structure shall be used for this calculation.
- b. The combined cumulative floor area of all secondary structures or uses shall not exceed 50 percent of the total floor area of the principal structure. In cases where there is more than one principal structure on a lot, the total floor area of the smallest principal structure shall be used for this calculation.

3. NON-RESIDENTIAL AND MIXED-USE DISTRICTS

No secondary structure or use shall exceed 50 percent of the floor area associated with the principal structure it serves.

F. TIMING OF ESTABLISHMENT

1. Except on lots within the RUR zoning district, no secondary structure or use shall be established on a lot prior to the principal use.
2. Lots of five acres in area or larger and located in the RUR zoning district may accommodate up to one secondary structure or use prior to the establishment of a principal structure, subject to the following requirements:
 - a. The secondary structure shall comply with all applicable dimensional requirements;
 - b. The secondary structure shall not exceed 2,000 square feet; and
 - c. The secondary structure shall not be used for residential occupancy.

G. COMPLIANCE WITH DESIGN STANDARDS



1. Secondary structures and uses serving principle uses that are subject to the design standards in Section <>, Design Standards and Guidelines, shall comply with the design standards applied to the principal use they serve or shall employ exterior materials, colors, and architectural details that are configured to be complimentary to the principal use.
2. The degree to which proposed exterior materials, colors, and architectural details are configured in a complimentary manner to a principal use shall be in the sole opinion of the review authority deciding the application.

4.4.4 LISTING OF COMMON SECONDARY USES

This section includes a summary table of common secondary uses and the district where they are permitted. This listing is expected to include at least the following secondary use types:

- Accessory Dwelling Unit
- Amateur Ham Radio
- Athletic Field
- Automated Teller Machine
- Caretaker Dwelling
- Cemetery
- Child Care, Incidental
- Drive Through
- Family Health Care Structure
- Home Occupation, Type 1
- Home Occupation, Type 2
- Outdoor Display/Sales
- Outdoor Storage
- Play Equipment
- Produce Stand
- Recreational Vehicle, Boat, or Trailer
- Satellite Dish Antenna
- Solar Energy Conversion, Level 1
- Swimming Pool
- Tool/Storage Shed
- Underground Storage Tank

4.4.5 STANDARDS FOR SPECIFIC SECONDARY USES

This section sets out the use-specific standards for each of the common secondary use types.

4.5 TEMPORARY USES

4.5.1 ESTABLISHMENT OF A TEMPORARY USE

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the Town's planning jurisdiction. The activities listed in this section require the issuance of a temporary use permit, except as exempted, in accordance with the standards in Section <>, Temporary Use Permit, and compliance with the standards in Section <>, General Standards for All Temporary Uses and



Chapter 4 Land Uses

Section 4.5 Temporary Uses

Sub-section 4.5.2 Intent of these Standards

Structures, and Section <>, Standards for Specific Temporary Uses and Structures, as applicable.

4.5.2 INTENT OF THESE STANDARDS¹²

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

4.5.3 GENERAL STANDARDS FOR ALL TEMPORARY USES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

A. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

1. Secure written permission from the landowner;
2. Obtain the appropriate permits and licenses from the Town and other agencies;
3. Comply with the applicable requirements for signs in Section <>, Signage, if signage is proposed;
4. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. Not violate the applicable conditions of approval that apply to a site or use on the site;
6. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
7. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
8. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area;
9. Provide adequate on-site restroom facilities (as appropriate); and
10. Cease all outdoor activities within 500 feet of a residential use by 10:00 PM.

B. GENERAL CONDITIONS

In approving a temporary use permit, the Planning Director is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Planning Director is authorized, where appropriate, to require:

¹² NOTE TO STAFF: Typically, temporary uses are not limited by zoning district designation. Additional discussion is necessary regarding the Town's desire to limit temporary uses by zoning district type.



1. Provision of temporary parking facilities, including vehicular access and egress;
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Prohibition of the storage or use of hazardous materials;
4. Regulation of placement, height, size, and location of equipment;
5. Provision of sanitary and medical facilities;
6. Provision of solid waste collection and disposal;
7. Provision of security and safety measures; Use of an alternate location or date;
8. Modification or elimination of certain proposed activities;
9. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
10. Submission of a performance guarantee (see Section <>, Performance Guarantees) to ensure that any temporary use will be removed from the lot.

4.5.4 LISTING OF COMMON TEMPORARY USES

This section includes a summary table of common temporary uses and their maximum duration per calendar year. This listing is expected to include at least the following temporary use types:

- Food Truck
- Horse or Pet Show
- Itinerant Merchant Sale
- Outdoor Seasonal Sales
- Portable Storage Containers
- Special Event
- Temporary Disaster Housing
- Temporary Dwelling
- Temporary Real Estate Office
- Temporary Shelter
- Temporary Wireless Communications Facility

4.5.5 STANDARDS FOR SPECIFIC TEMPORARY USES

This section sets out the use-specific standards for each of the common secondary use types.



4.6 UNLISTED USES

This section is proposed to replace Section 300 of the UDC. It sets out the process to be followed in considering how to classify an unlisted principal, secondary, or temporary use (via the determination procedure). The section allows the Town to consider a text amendment, but does not mandate one.

4.6.1 PROCEDURE FOR DETERMINATION

Sets out the process to be used in classifying an unlisted use based on the standards in the determination procedure, definitions, and the use category descriptions.

4.6.2 USE CATEGORY DESCRIPTIONS

This section sets out a detailed description of each use category by use classification type, along with a short listing of example use types.



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Chapter 5
Nonconformities

KEY CHANGES FROM CURRENT UDC

Text here to be inserted during Task 4, Drafting



Chapter 5 Nonconformities

Section 5.1 Chapter Introduction Sub-section 5.1.1 Intent

5.1 CHAPTER INTRODUCTION

This section builds on and expands the Town's nonconforming provisions as set down in Section 110 of the UDC. It clarifies the intent of the chapter (to allow nonconformities to continue but gradually reach compliance). It clarifies that the burden of proving a lawfully established nonconformity is upon the applicant. It permits (even encourages) maintenance and allows for structural strengthening if needed to maintain public safety.

5.1.1 INTENT

5.1.2 DETERMINATION OF NONCONFORMING STATUS

5.1.3 MAINTENANCE AND CONTINUATION AND ALLOWED

5.1.4 TENANCY AND OWNERSHIP CHANGES

5.2 NONCONFORMING LOTS OF RECORD

This section addresses established lots of record that were platted prior to the effective date of the UDO, but that do not meet the dimensional requirements of the district where they are located. It discusses the procedures for use of such lots of record when located in a residential district as well as redevelopment or reconstruction on such lots following a casualty (major damage). It removes requirements for variances to develop these lots (at least in cases of residential development). In addition, the standards specify that governmental acquisition of a portion of a lot in a residential district shall not render the lot nonconforming (even if it no longer meets the dimensional standards). The section will deal with changes to nonconforming lots such as boundary line adjustments or assembly of multiple lots. It also clarifies that special purpose lots are not required to meet the dimensional standards for the zoning district where located.

5.2.1 APPLICABILITY

5.2.2 NONCONFORMING LOT WIDTH OR SIZE

5.2.3 NONCONFORMITY AFFECTS SETBACKS

5.2.4 FURTHER SUBDIVISION LIMITED

5.2.5 GOVERNMENTAL ACQUISITION OF LAND



Chapter 5 Nonconformities

Section 5.3 Nonconforming Signs Sub-section 5.2.6 Special Purpose Lots

5.2.6 SPECIAL PURPOSE LOTS

5.3 NONCONFORMING SIGNS

This new section will address nonconforming signage that no longer meets the requirements of the UDO as well as signs advertising uses that are no longer in place. It allows continuation of nonconforming signage, but requires its removal if it becomes dilapidated or if the use it advertises ceases.

5.3.1 APPLICABILITY

5.3.2 PROHIBITED ACTIONS

5.3.3 MAINTENANCE OF NONCONFORMING SIGNAGE ALLOWED

5.3.4 REPLACEMENT OF NONCONFORMING SIGNAGE

5.3.5 REMOVAL OF NONCONFORMING SIGNAGE

5.4 NONCONFORMING SITES

This is a new section that adds provisions dealing with nonconformities in site elements, such as landscaping, lighting, parking, and screening of elements like outdoor storage. Currently, the development regulations either require full compliance or do not specify when such nonconforming site features must be brought into conformity. This new section requires that specified site elements be brought into conformance on a sliding scale when the structure is substantially remodeled, or when the floor area of a building is enlarged by threshold percentages, with an important "safety valve" provision that allows for a waiver of requirements in cases where the site has physical constraints that prevent upgrading certain elements.

5.4.1 APPLICABILITY

5.4.2 DETERMINATION OF COST AND ASSESSED VALUE

5.4.3 CHANGE OF USE



Chapter 5 Nonconformities

Section 5.5 Nonconforming Structures

Sub-section 5.4.4 Expansion of Buildings or Structures

5.4.4 EXPANSION OF BUILDINGS OR STRUCTURES

5.4.5 ADDITION OF OUTDOOR ACTIVITY

5.4.6 TWO OR FEWER ADDITIONAL PARKING SPACES

5.4.7 PHYSICALLY-CONSTRAINED PROPERTIES

5.5 NONCONFORMING STRUCTURES

This section establishes the key standards governing nonconforming structures. The section will address enlargement, abandonment, relocation, and reconstruction after casualty damage.

5.5.1 APPLICABILITY

5.5.2 CONTINUATION AND REPLACEMENT

5.5.3 ALTERATION AND EXPANSION

5.5.4 COMPLIANCE WITH DESIGN STANDARDS

5.6 NONCONFORMING USES

This section includes provisions dealing with existing uses that no longer conform with the zoning district provisions where they are located. The Town's current regulations with respect to nonconforming uses will be largely carried forward except that additional flexibility is added to structures changing to comply with flood protection standards, and there is additional clarity that nonconforming uses may not expand.

5.6.1 DECLARED INCOMPATIBLE

5.6.2 CONTINUATION ALLOWED

5.6.3 INCREASING ELEVATION



Chapter 5 Nonconformities

Section 5.6 Nonconforming Uses

Sub-section 5.6.4 Extension or Expansion

5.6.4 EXTENSION OR EXPANSION

5.6.5 CONVERSION

5.6.6 RESTORATION FOLLOWING CASUALTY DAMAGE

5.6.7 CESSATION



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KEY CHANGES FROM CURRENT UDC

Text here...



6.1 ACCESS AND CIRCULATION

This section replaces the standards in Section 400 of the UDC. It deals with ingress, egress, and circulation within development sites, whether by vehicle or as a pedestrian. The standards address access to individual lots, whether via public street, private street, shared driveway, or private driveway. It establishes differing standards for driveways serving residential versus non-residential developments (including spacing, surfacing, width, and how parking is accommodated). It addresses the preservation of sight distance triangles from streets and driveways. The section also addresses parking lot connections between adjacent, compatible uses, including configuration and placement. The final subsection deals with on-site pedestrian circulation between buildings on a site and between a site and the larger pedestrian network.

6.1.1 PURPOSE AND INTENT

6.1.2 APPLICABILITY

6.1.3 ACCESS TO LOTS

6.1.4 DRIVEWAYS

6.1.5 SIGHT DISTANCE TRIANGLES

6.1.6 PARKING LOT CONNECTIONS

6.1.7 ON-SITE PEDESTRIAN CIRCULATION



6.2 DESIGN STANDARDS AND GUIDELINES

This section is proposed to replace Section 405 in the UDC. Design standards are mandatory and are applied to mixed-use, multi-family, and several forms of non-residential uses. Each set of standards includes a purpose and intent section, applicability and exemptions, and a set of basic design requirements. Design requirements are focused on exterior appearance and aesthetic concerns of buildings as well as site configuration issues (like the placement of service areas). Aesthetic concerns focus on primary entrances, building articulation, exterior cladding materials, roof form, fenestration (glazing or transparency), and issues relating to multi-building development.

The design guidelines for residential development are voluntary and can be applied as part of a conditional rezoning or an applicant can voluntarily agree to follow them and receive a density bonus in return). These provisions are also focused on the exterior appearance of these structures and address aspects such as materials, garage configurations, windows, side and rear facades, and architectural variability within a neighborhood.

6.2.1 MIXED-USE DESIGN STANDARDS

6.2.2 MULTI-FAMILY DESIGN STANDARDS

6.2.3 NON-RESIDENTIAL DESIGN STANDARDS

A. OFFICE/INSTITUTIONAL

B. LIGHT INDUSTRIAL

C. RETAIL

D. RETAIL, LARGE FORMAT

6.2.4 SINGLE-FAMILY RESIDENTIAL DESIGN GUIDELINES



6.3 EXTERIOR LIGHTING¹³

This section replaces Section 404 of the UDC. It addresses exterior building lighting and exterior lighting from recreational facilities. It establishes a set of prohibited lighting forms, requirements for the preparation of a lighting plan for most forms of development (except single-family), basic requirements for shielding the source of illumination and limits to glare (visibility of the illumination source from off-site areas, maximum mounting heights, maximum illumination values at lot lines, uniformity ratios within parking lots, and standards for nonconforming lighting.

6.3.1 PURPOSE AND INTENT

6.3.2 APPLICABILITY

6.3.3 EXEMPTIONS

6.3.4 PROHIBITED LIGHTING

6.3.5 LIGHTING PLAN

6.3.6 EXTERIOR LIGHTING STANDARDS

6.3.7 GLARE

6.3.8 ADDITIONAL STANDARDS FOR RECREATIONAL LIGHTING

6.3.9 MAXIMUM ILLUMINATION LEVELS

6.3.10 MEASUREMENT

¹³ NOTE TO STAFF: Additional discussion is needed regarding the Town's desire to include standards for street lights in this section.



6.4 INFRASTRUCTURE

This section consolidates and broadens the standards in Sections 602 and 604 of the UDC. Many of the current standards will be carried forward pending further discussion with Town infrastructure providers. The street standards will be supplemented with new street connectivity index standards, new variable block length standards (based on location). The water and sewer mandatory connection standards will be revised. The section will also include electricity-related provisions for the portions of Town subject to the Town's electrical system.

6.4.1 APPLICABILITY

6.4.2 GENERALLY

6.4.3 EASEMENTS

6.4.4 BRIDGES AND DAMS

6.4.5 DRAINAGE FACILITIES

6.4.6 ELECTRICITY

6.4.7 FIRE PROTECTION

6.4.8 POTABLE WATER

6.4.9 STREETS

6.4.10 STREET AND UTILITY CONSTRUCTION

6.4.11 WASTEWATER

6.4.12 UNDERGROUND UTILITIES



6.5 LANDSCAPING AND SCREENING

This section is proposed to replace Section 402 in the UDC. The section includes a comprehensive set of applicability and exemption standards, requirements for landscape plans, requirements for removal of invasive species as part of development, a new set of plant material specifications with requirements for species diversity. There are generic provisions for landscaping placement along rights of way, in groups, in easements, stormwater measures, and the rules pertaining to utility easements. The standard clarify the kinds of features allowable in required landscaping areas, along with comprehensive maintenance and inspection standards. The landscaping standards are organized into parking lot landscaping (shade trees, islands, and perimeter screening), perimeter buffers (four versions applied by district boundaries) with options for alternative configuration based on fencing, existing landscaping, and shading conditions, streetscape buffers or street trees based on location in Town, and a comprehensive set of screening requirements applied based on the type of site feature being screened and the type of adjacent off-site area.

6.5.1 PURPOSE AND INTENT

6.5.2 APPLICABILITY

6.5.3 EXEMPTIONS

6.5.4 LANDSCAPING PLAN REQUIRED

6.5.5 PLANT MATERIAL SPECIFICATIONS

6.5.6 PLACEMENT

6.5.7 FEATURES ALLOWED WITHIN LANDSCAPING AREAS

6.5.8 PARKING LOT LANDSCAPING

6.5.9 PERIMETER BUFFERS

6.5.10 STREETScape BUFFERS

6.5.11 STREET TREES



6.5.12 SCREENING

6.5.13 PLANTING FLEXIBILITY

6.5.14 TIME OF INSTALLATION

6.5.15 REQUIRED MAINTENANCE

6.5.16 SITE INSPECTION

6.5.17 REPLACEMENT OF REQUIRED VEGETATION

6.5.18 MEASUREMENT



6.6 OPEN SPACE SET-ASIDE AND PARKLAND

The open space and parkland dedication standards include new requirements for almost all forms of development to provide open space set-aside or fee-in-lieu (as a means of establishing greenways and linear recreation areas in parts of Town that are already built). The open space standards establish new requirements for active forms of recreation, passive forms of recreation, and urban forms of open space (in areas in and around Downtown) along with details about the range of allowable features located within each. There are details about configuration, ownership, and maintenance.

The standards also apply parkland dedication requirements for residential development. The standards are configured to allow greenway segments to qualify as parkland dedication, park land in areas proximate to planned public parks, and an option for payment of fee-in-lieu for the Town to use to acquire park and greenway connection lands in already built areas.

6.6.1 OPEN SPACE SET-ASIDE

6.6.2 PARKLAND DEDICATION

6.6.3 FEE-IN-LIEU OPTION

6.7 OWNERS' ASSOCIATIONS

This is a new section that stipulates that developments that include common lands or private infrastructure. The section sets out the responsibilities of the association, the procedure for establishment, documentation requirements, and membership requirements. The section also clarifies the process for transfer of maintenance responsibility from the developer to the HOA, including requirements for a reserve fund to be in place and funded prior to maintenance transfer.

6.7.1 PURPOSE

6.7.2 APPLICABILITY

6.7.3 CREATION REQUIRED

6.7.4 RESPONSIBILITIES

6.7.5 PROCEDURE FOR ESTABLISHMENT



Chapter 6 Standards

Section 6.7 Owners' Associations

Sub-section 6.7.6 Documentation Requirements

6.7.6 DOCUMENTATION REQUIREMENTS

6.7.7 MEMBERSHIP REQUIREMENTS

6.7.8 TRANSFER OF MAINTENANCE RESPONSIBILITY

6.7.9 FAILURE TO MAINTAIN IS A VIOLATION



6.8 PARKING AND LOADING

This section carries forward and builds on Section 401 of the UDC. The new section includes a comprehensive applicability section that addresses how the standards are applied to changes in use, minor additions of parking spaces to existing parking lots, and minor building additions, as well as a more comprehensive consideration of parking standards in Downtown. The new section provides a minimum and maximum parking space standard for each listed principal use, along with simplified bicycle parking standards. The standards also update parking lot configuration, surfacing, drive aisle and throat lane standards, as well as stacking or standing spaces. The standards include new limitations on front yard parking for some residential zoning districts on lots of less than one acre in area.

The loading standards are revised to specify that loading spaces are provided, they comply with the minimum standards, but that loading spaces are not required (but that required parking space or circulation areas may not be occupied by delivery trucks).

6.8.1 PURPOSE AND INTENT

6.8.2 APPLICABILITY

6.8.3 EXEMPTIONS

6.8.4 OFF-STREET PARKING REQUIREMENTS

6.8.5 STACKING SPACES

6.8.6 PARKING LOT CONFIGURATION

6.8.7 ACCESSIBLE PARKING SPACES

6.8.8 PARKING FLEXIBILITY

6.8.9 OFF-STREET LOADING

6.8.10 MEASUREMENT



6.9 PEDESTRIAN FACILITIES

This is a new section that establishes a consolidated set of pedestrian facility requirements based upon the large amount of policy guidance pertaining to sidewalks, sidepaths, and greenways. The standards clarify that pedestrian facilities are required in most parts of Town as identified in adopted policy guidance. The standards set out requirements for dedication and construction of these required features (with the ability to propose fee-in-lieu) in instances where existing facilities are sufficient to maintain pedestrian connection. The standards set out sidewalk, greenway, and sidepath configuration, allowable setback reductions from greenways, and how pedestrian facilities are credited towards parkland and open space set-aside requirements.

6.9.1 GREENWAYS

6.9.2 SIDEWALKS

6.9.3 SIDEPATHS

6.10 RIPARIAN BUFFER PROTECTION

Replaces current Section 502 with a new more comprehensive set of standards that follow State law but provide more detail for code users.

6.10.1 AUTHORITY

6.10.2 PURPOSE AND INTENT

6.10.3 GENERAL REQUIREMENTS

6.10.4 DETERMINATION OF RIPARIAN BUFFER BOUNDARY

6.10.5 ON-SITE DETERMINATION OF BUFFER BOUNDARY

6.10.6 EXEMPTIONS

6.10.7 STORMWATER RUNOFF THROUGH THE RIPARIAN BUFFER



6.10.8 USE ESTABLISHMENT

6.10.9 TABLE OF USES IN RIPARIAN BUFFERS

6.10.10 MITIGATION

6.10.11 PERMITS PROCEDURES, REQUIREMENTS, AND APPROVALS

6.10.12 COMPLIANCE AND ENFORCEMENT

6.11 SIGNAGE

This section replaces Section 403 of the UDC. It enhances the purpose and intent standards to identify content neutrality and protection of 1st amendment rights while also removing the remaining content-based sign standards (insignia, yard sale, real estate, menu displays, tenant identification, etc.). Establishment of basic exemptions for several kinds of signage including governmental and parking-related signs. Increase clarity regarding the range of prohibited signs like moving, off-premise, and outdoor advertising signs. Establishment of a series of tabular-based provisions for each of the 13-14 generic sign types anticipated by the UDO. Add provisions for uniform sign plans applied to multi-building developments.

6.11.1 PURPOSE AND INTENT

6.11.2 APPLICABILITY

6.11.3 EXCLUSIONS

6.11.4 PROHIBITED TYPES OF SIGNS

6.11.5 NON-CONFORMING SIGNS

6.11.6 GENERAL STANDARDS APPLICABLE TO ALL SIGNS

6.11.7 SIGN STANDARDS BY SIGN TYPE



6.11.8 UNIFORM SIGN PLAN

6.11.9 MEASUREMENT

6.12 SOIL EROSION & SEDIMENTATION CONTROL

This section carries forward and updates the Town's stormwater standards in Chapter 156.

6.13 STORMWATER

This section carries forward and updates the Town's stormwater standards in Chapter 158.

6.13.1 APPLICABILITY

6.13.2 NATURAL DRAINAGE SYSTEM UTILIZED TO EXTENT FEASIBLE

6.13.3 DEVELOPMENTS MUST DRAIN PROPERLY

6.13.4 NUTRIENT CONTROL REQUIREMENTS

6.13.5 ILLEGAL DISCHARGES / CONNECTIONS

6.13.6 AMENDMENTS TO STORMWATER PROVISIONS

6.14 SUBDIVISION DESIGN

This section consolidates the standards in Sections 600, 603, 605, and 606 along with new provisions for addressing aspects such as cluster mailboxes, subdivision and street names, monuments, and basic subdivision layout.

6.14.1 PURPOSE AND INTENT

6.14.2 APPLICABILITY



6.14.3 EXEMPTIONS

6.14.4 APPROVAL OF PLATS REQUIRED

6.14.5 SUBDIVISION NAME

6.14.6 REASONABLE RELATIONSHIP

6.14.7 RESERVATIONS

6.14.8 LOT CONFIGURATION

6.14.9 BLOCK CONFIGURATION

6.14.10 MONUMENTS

6.14.11 CLUSTER MAILBOXES

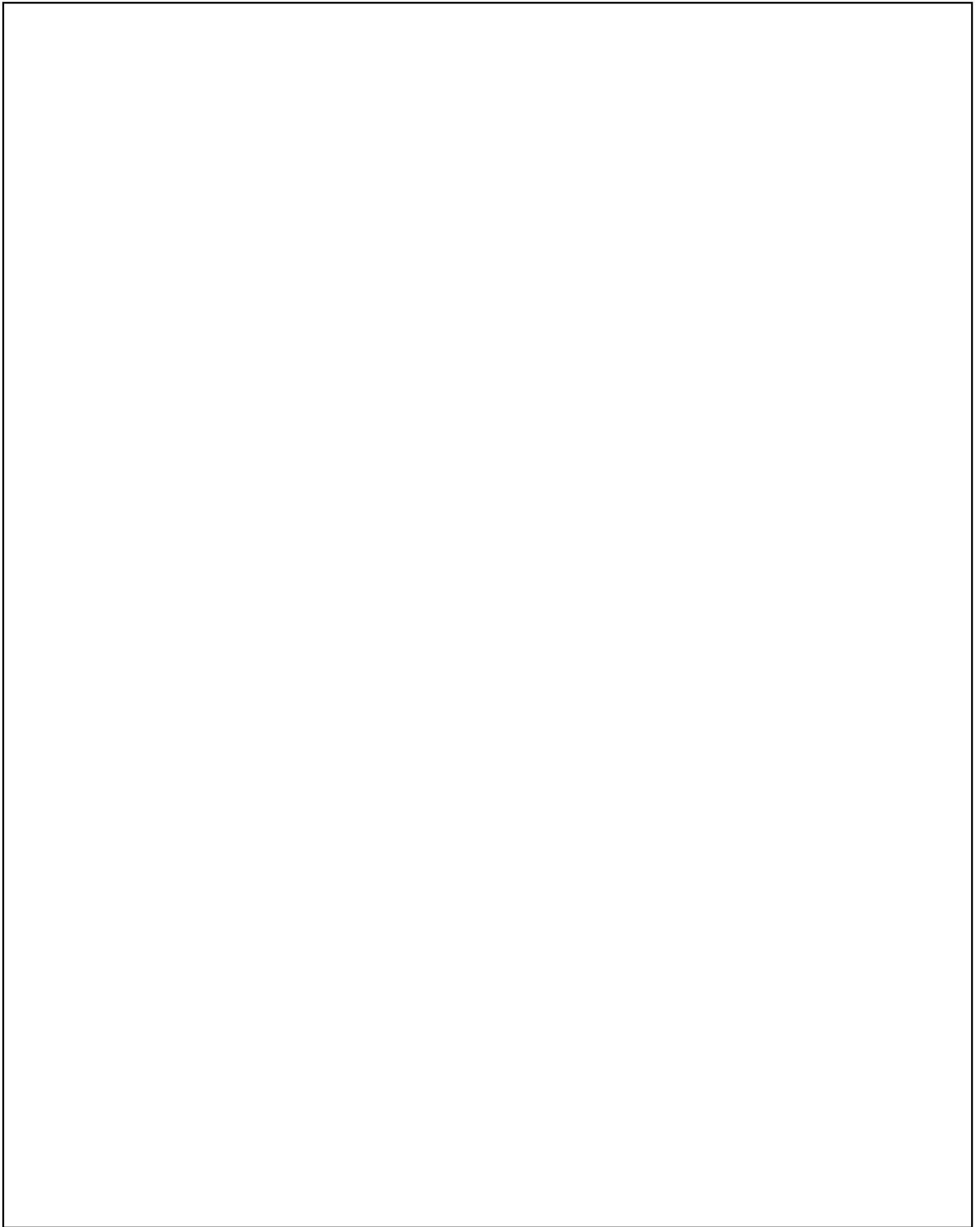
6.15 SUSTAINABLE DEVELOPMENT INCENTIVES

This is a voluntary approach to incorporating more sustainable development approaches such as low impact development, avoidance of mass grading, tree save, and similar approaches by incorporating incentives (like density bonuses and dimensional reductions for doing so).

6.16 TREE PROTECTION

This section is proposed to replace the tree clearing certificate standards and explore ways in which the Town's tree protection authorization can be incorporated into the UDO to encourage increased tree save (or a method to reforest if existing trees can not be retained). This section requires further discussion of the Town's goals for tree protection relative to landscaping, open space, and pedestrian facility requirements.





CHAPTER 7

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Chapter 7
Violations

Section 6.16 Tree Protection
Sub-section 6.14.11 Cluster Mailboxes

KEY CHANGES FROM CURRENT UDC

Text here to be added during Task 4, Drafting



Chapter 7 Violations

Section 7.1 Purpose and Intent

Sub-section 7.3.1 Development Without Authorization

7.1 PURPOSE AND INTENT

This chapter is an overhaul to Section 720 of the UDC which is particularly abbreviated. The purpose for this chapter is to clarify that the Town seeks to encourage and assist with voluntary compliance, not the application of penalties.

7.2 COMPLIANCE REQUIRED

This section clarifies that compliance is required by all persons owning, developing, managing, using, or occupying land or structures.

7.3 DESCRIPTION OF VIOLATIONS

This section enumerates and describes the six most common classes of violation of the UDO.

7.3.1 DEVELOPMENT WITHOUT AUTHORIZATION

7.3.2 DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

7.3.3 VIOLATION BY ACT OR OMISSION

7.3.4 USE IN VIOLATION

7.3.5 SUBDIVISION OF LAND IN VIOLATION

7.3.6 CONTINUING OR REPEATING A PRIOR VIOLATION

7.4 ENFORCEMENT PROCEDURE

This section describes the basic steps the Town follows with respect to determination if a violation exists and how it is to be corrected (as well as what happens if it isn't).

7.4.1 INVESTIGATION

7.4.2 WRITTEN NOTICE OF VIOLATION

7.4.3 DELIVERY OF WRITTEN NOTICE



Chapter 7 Violations

Section 7.5 Remedies

Sub-section 7.4.4 Remedy Upon Notice

7.4.4 REMEDY UPON NOTICE

7.4.5 FAILURE TO COMPLY WITH ORDER

7.4.6 EACH DAY A SEPARATE VIOLATION

7.5 REMEDIES

This section identifies the range of remedies available to the Town to induce compliance with the UDO. Remedies are continuous and cumulative. The section describes how each of the remedies are applied.

7.5.1 CONDITIONED PERMIT OR CERTIFICATE

7.5.2 STOP WORK ORDERS

7.5.3 REVOCATION OF PERMITS

7.5.4 INJUNCTIVE RELIEF

7.5.5 ORDER OF ABATEMENT

7.5.6 EQUITABLE REMEDY

7.5.7 STATE AND COMMON LAW REMEDIES

7.5.8 PREVIOUS ENFORCEMENT

7.5.9 REMEDIES; CUMULATIVE AND CONTINUOUS



7.6 STATUTE OF LIMITATIONS

This section clarifies that the enforcement procedure may only be conducted in accordance with NCGS§1-49(3) and 1-51(5) pertaining to the length of time that an enforcement action may be pursued by the Town.

7.7 ASSESSMENT OF CIVIL PENALTIES

This section sets out the process used by the Town for the assessment and collection of civil penalties associated with UDO violations.

7.7.1 RESPONSIBLE PARTIES

7.7.2 NOTICE

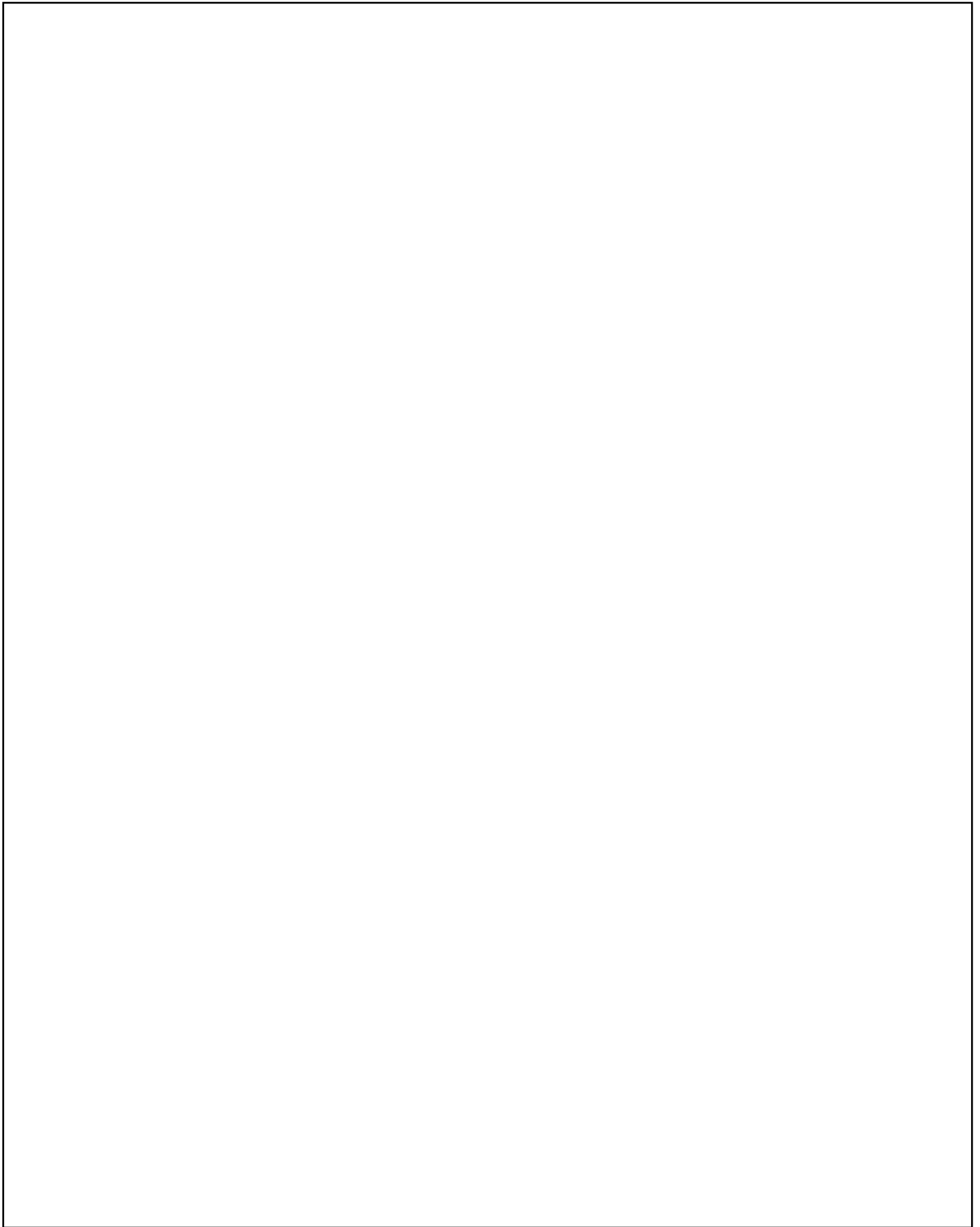
7.7.3 CONTINUING VIOLATION

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CHAPTER 8

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Chapter 8
Word Usage

Section 7.7 Assessment of Civil Penalties
Sub-section 7.7.6 Penalties

KEY CHANGES FROM CURRENT UDC

Text here to be added during Task 4, Drafting



8.1 ABBREVIATIONS

This section includes a glossary of the abbreviations used in the ordinance.

8.2 LANGUAGE CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

8.2.1 MEANINGS AND INTENT

- A. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in **Section <>, Purpose and Intent of this Ordinance**, and the specific purpose statements set forth throughout this Ordinance.
- B. When a specific section of these regulations gives a different meaning than the general definition provided in **Section <>, Terms Defined**, the specific section's meaning and application of the term shall control.
- C. Terms that are not defined are subject to their common or customary meaning.

8.2.2 LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

8.2.3 COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town.

8.2.4 TIME-RELATED LANGUAGE

- A. Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the Town.
- B. The term "day" means a calendar day, or any day during a week, including business days and weekend days.
- C. The term "holiday" means a legal holiday recognized by the Town.
- D. The term "week" means five business days and two weekend days.
- E. Weeks commence on a Monday.
- F. The term "month" means a calendar month.
- G. The term "year" means a calendar year.
- H. The term "temporary" shall mean a condition lasting for only a limited period of time; not permanent.



Chapter 8 Word Usage

Section 8.2 Language Construction

Sub-section 8.2.5 References to this Ordinance

8.2.5 REFERENCES TO THIS ORDINANCE

A reference to a chapter, section, sub-section, or paragraph means a chapter, section, sub-section, or paragraph of this Ordinance, unless otherwise specified.

8.2.6 REFERENCES TO OTHER ORDINANCES OR PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or adopted version of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

8.2.7 REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

8.2.8 DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the Town to do some act or perform some duty, the officer or employee may designate, delegate, or authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

8.2.9 JOINT AUTHORITY

All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

8.2.10 TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

8.2.11 PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the Town of Clayton, North Carolina, unless otherwise indicated.

8.2.12 MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may," "can," and "should" are permissive in nature.

8.2.13 CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions or events apply.
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.



Chapter 8 Word Usage

Section 8.3 Terms Defined

Sub-section 8.2.14 Tenses, Plural, and Gender

8.2.14 TENSES, PLURAL, AND GENDER

- A. Words used in the past or present tense include the future tense as well as the past and present.
- B. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- C. Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

8.2.15 OATH

The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

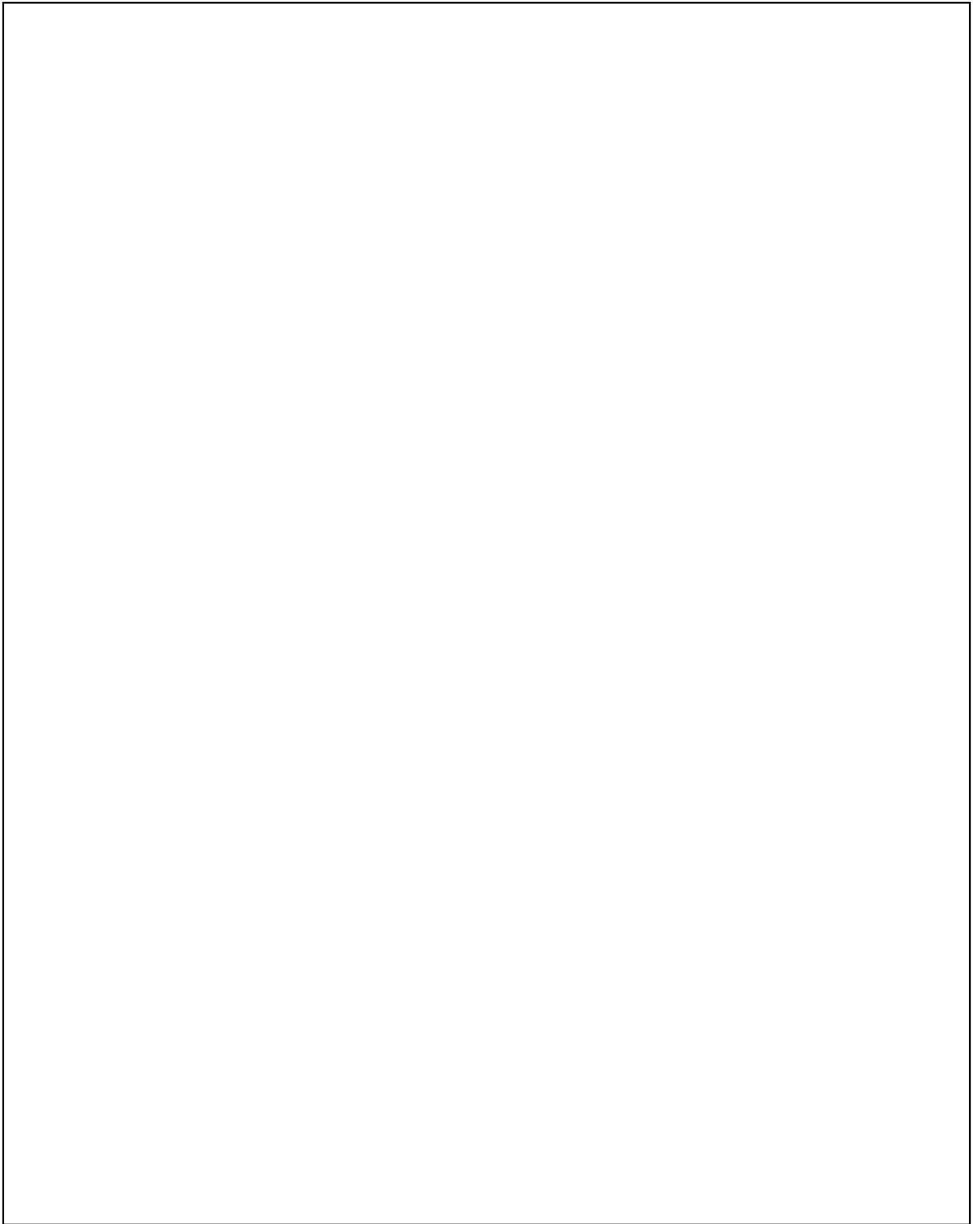
8.2.16 TERM NOT DEFINED

If a term used in any article of this Ordinance is not defined, the Planning Director is authorized to interpret the term in accordance with Section <>, Determination, based upon the definitions used in professionally accepted sources.

8.3 TERMS DEFINED

This section sets out the definitions of terms used in the UDO, including all use types, all procedures, all review authorities, and terms common to development standards and use standards. The section will include notes that some definitions, like those associated with signs, lot dimensions, or flood protection standards are located elsewhere in the Ordinance.





CHAPTER 9

APPENDICES

9.1 APPENDIX 1: STYLE SET

This is an example of the style settings that control document numbering and indentation (this material will not be included in the adopted UDO).

9.2 APPENDIX 2: CONVENTIONS TABLE

This table sets out the basic conventions used to prepare the Annotated Outline, including the rules of punctuation, capitalization, abbreviations, table formatting, and similar features (this material will not be included in the adopted UDO).

9.3 APPENDIX 3: ZONING DISTRICT CHANGES

This is a set of notes that summarizes the changes made to the zoning districts between the UDC and the UDO (this material will not be included in the UDO).



CHAPTER 10

HEADING 1

GENERIC HEADING

GENERIC SUBHEADING

FIGURE HEADING

10.1 HEADING 2

This is Body Text 2

10.1.1 HEADING 3

This is Body Text 3

A. HEADING 4

This is Body Text 4

1. HEADING 5

This is Body Text 5

a. HEADING 6

This is Body Text 6

i. HEADING 7

This is Body Text 7

10.1.2 List 3

A. List 4

1. List 5

a. List 6

i. List 7



Body Text 1
Body Text 2
Body Text 3
 Body Text 4
 Body Text 5
 Body Text 6
 Body Text 7

DEFINITION SUBHEADING

Footnotes¹⁴
EDITOR'S NOTE
EDITOR'S NOTE SMALL

TABLE HEADING	
TABLE SUBHEADING	TABLE SUBHEADING
Table Text	
Table Text Small	

¹⁴ This is footnote text.

APPENDIX 2. ORDINANCE CONVENTIONS

UNIFIED DEVELOPMENT ORDINANCE CONVENTIONS	
TOPIC GROUP	CONVENTION
Document Numbering	- Remove "155" chapter designator - UDO is no longer a part of Town Code
	- Use chapter-based numbering (e.g., 1, 2, 3, etc.)
	- Main sections use two-digit numbers; Main sub-sections use three-digit numbers
	- Every sub-section, illustration, & table has its own unique number
	- Discontinue use of a period after each heading number
	- Use sequential page numbering - do not use chapter-based prefixes for page numbering
Text Numbering	- Spell out numbers one through ten (one, two, three, etc.)
	- If using the alphabetic spelling of a number; use the numeric version of the number in parenthesis afterwards
	- Use the numeric version of numbers starting at 11 (and higher)
Capitalization	- This Ordinance, not 'this ordinance'
	- Town, not 'town'
	- Town Council, Planning Director
	- Official Zoning Map
	- Single-Family Residential-10, not 'single-family residential-10'
	- Single-Family, not 'Single-family'
	- (see Section 123) not (See Section 123)
	- Special Use Permit, not 'special use permit'
	- applicant, not 'Applicant'
Hyphenation	- Single-family
	- Multi-family
	- Mixed-use
Abbreviations	- Okay to use acronyms like UDO, OZM, WPO, FPO, etc.
	- Use %, not 'percent'
	- Use NCGS, not 'GS' or 'North Carolina General Statutes'
	- Use §, not 'Section'
	- Use Feet, not " ' "
	- Use in., not 'Inches'
	- Use Min., not 'Minimum'



APPENDIX 2. ORDINANCE CONVENTIONS

UNIFIED DEVELOPMENT ORDINANCE CONVENTIONS	
TOPIC GROUP	CONVENTION
Commas	Use Oxford style: one, two, and three
Sentence Spacing	Two spaces between sentences, not one space
Justification	Left justified text, not fully-justified
Typeface	- No use of Italics in headings or body text
	- Heading text is in all caps
	- No use of word underlining
	- Stay in portrait layout
	- Okay for rows to split at page breaks
Tables	- Reduce visual prominence of grid lines
	- No "blank" cells, use "N/A" or "•"
	- Use grey color to distinguish rows from one another
	- Left-justify in cells
	- Table notes look like: [1]
Cross References	Grey highlight (to indicate hyperlink)
	Numeric section number, section name - (e.g., Section 1-3.4.A, Transitional Provisions)
	Use Section 1-3.4.A through Section 1-3.4.D, not '§§ 1-3.4.A through 1-3.4.D,'
Color	Red: hexcode - #631d1f
	Orange: hexcode - #fbb042
	Gray: hexcode - #D9D9D9



APPENDIX 3: ZONING DISTRICT CHANGES

This appendix lists the proposed changes for the conventional and conditional zoning districts in the new UDO. The summary tables for each zoning district are identified in alphabetic order in Chapter 3, Districts. Each table includes a purpose statement, dimensional requirements, and any district-specific standards. These notes describe the changes between the current zoning districts in the UDC and the zoning districts anticipated in the UDO. The district translation table in Chapter 3 shows how the names of the current zoning districts are revised. This information is included for the sake of review, but will not be included in the adopted UDO.

i CRM Corridor Commercial (formerly B-3 Highway Business)

ii CON Conservation (new district)

iii DTN Downtown (formerly B-1)

iv FID Flexible Industrial (new district)

v HID Heavy Industrial (formerly I-2 Industrial Heavy)

vi LID Light Industrial (formerly I-1 Industrial Light)

vii MXD Mixed-Use (new district)

viii NCM Neighborhood Commercial (formerly B-2 Neighborhood Business)

ix OFI Office Institutional (formerly O-R Office Residential & O-I Office Institutional)

x PUB Public Facilities (formerly PF Public Facilities)

xi RHD Residential High Density (formerly Single-Family Residential 6)

xii RLL Residential Large Lot (formerly R-E Residential Estate)

xiii RLD Residential Low Density (formerly R-10 Single-Family Residential 10)

xiv RMD Residential Medium Density (formerly Single-Family Residential 8)



APPENDIX 4: ZONING DISTRICT CHANGES

xv RMF Residential Multi-Family (new district)

xvi RUR Rural (new district)

xvii CZC Conditional Commercial (new district)

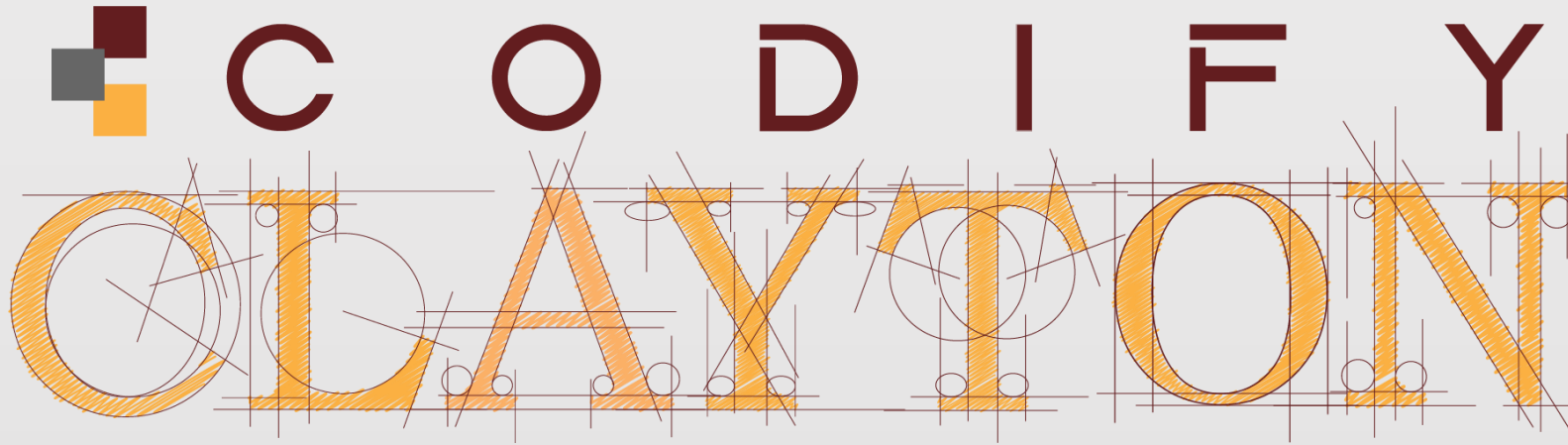
xviii CZD Conditional Downtown (new district)

xix CZI Conditional Industrial (formerly CZI Industrial Conditional)

xx CZM Conditional Mixed-Use (new district)

xxi CZR Conditional Residential (formerly CZI Residential Conditional)



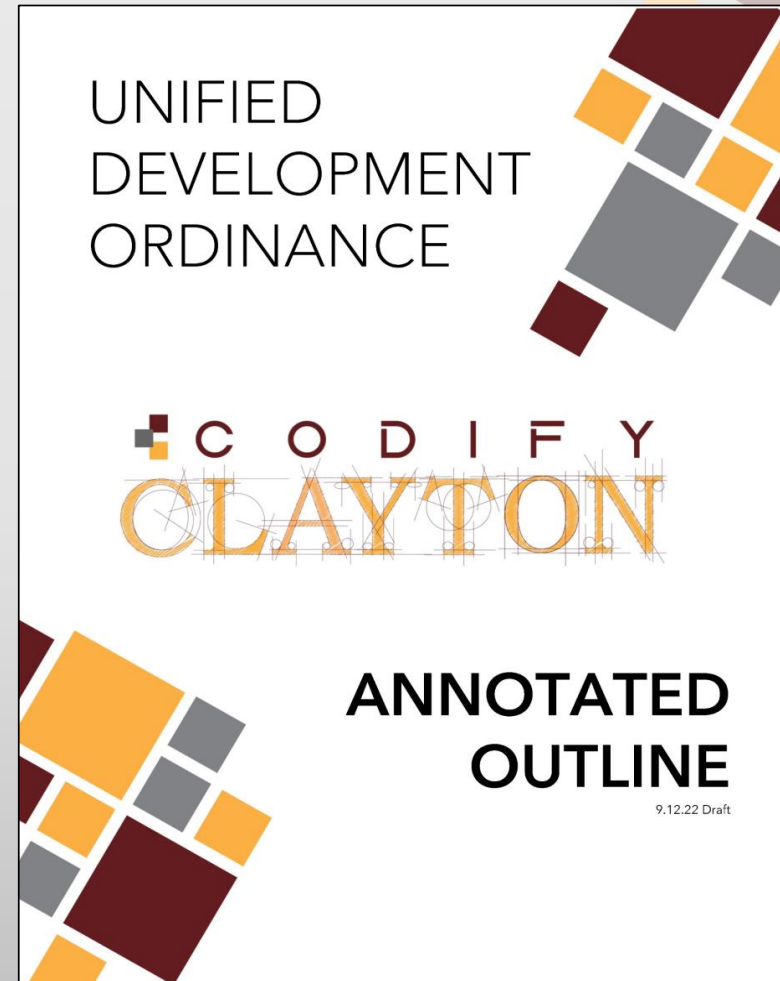


UDC Committee Meeting # 3
Annotated Outline Overview
9.12.22



PRESENTATION OVERVIEW

1. Project Goals & Status
2. Purpose for Annotated Outline
3. Document Basics
4. Chapter-by-Chapter Review
5. Next Steps



PROJECT GOALS

1. Make the Code more user-friendly and predictable
2. Implement the 2045 Comprehensive Growth Plan
3. Raise the bar for development quality & design
4. Accommodate a wider range of housing options
5. Encourage employment-generating uses
6. Foster downtown development/redevelopment
7. Protect community character and property values



DIAGNOSIS REPORT

7 Key Themes for Improvement (p. 2)

1. Make the regulations more user-friendly

Use an intuitive alphabetical structure for articles; include navigational aids; prepare a new dynamic page layout; greater use of numbered statements rather than prose paragraphs; more illustrations; standardized procedural language; clear, measurable decision making criteria

2. Implement the Town's Adopted Policy Guidance

Implement the FLUM; foster increased design quality; support development of mixed-use employment centers; create more mobility and transportation alternatives; more employment uses; more housing choices; protect downtown character while fostering higher densities; more parks and greenways

3. Raise the bar for development quality and design

Provide greater clarity about the standards; add new single-family residential design guidelines and a suite of new design standards; establish a new approach to pedestrian facilities, incorporate stormwater innovation, adjust numerous development standards (parking, lighting, open space, etc.); limit off-premise signage, add new use standards

4. Ensure the development review process is predictable

Supplement with more purpose and intent statements; better clarity on exemptions; use uniform procedural language/structure; add comprehensive standards for conflicts; add missing procedures (development agreement, annexation, etc.); the pre-application process; clarify expiration and vesting rules; reduce reliance on special use permits; clarify subdivision rules/procedures

5. Incorporate incentives and flexibility

Add sustainable development incentives, incorporate an administrative adjustment procedure, relax some standards in downtown, apply a tiered approach to conditional zoning, conservation subdivisions, alternative minimum compliance, allow density bonuses, incorporate menu based design standards

6. Foster re-use and redevelopment

Relax or soften some development requirements in Downtown, adopt a flexible approach to addressing nonconforming site features, use infill development standards, waive some infrastructure requirements for redevelopment, promote mixed-uses by-right in redevelopment areas, recognize adaptive re-use as a use type in existing non-residential structures in redevelopment areas

7. Provide a greater range of housing choice

Allow a wider range of by-right housing, allow more small house/small lot options, encourage accessory dwelling units, permit more multi-family and townhouse development subject to new standards, add standards for tiny homes and live/work units



APPENDIX - REVIEW OF CURRENT UDC

The following table provides a detailed review of the Town of Clayton's current Unified Development Code (UDC) as effective 2.15.22. The table below summarizes each major section in the UDC and provides a recommendation (or indication for further discussion, if appropriate) for how the material could best be configured in the updated UDC. This information will be used to form the recommendations in the Diagnosis Report and helps to clarify the structure in the Annotated Outline of the new UDC.

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)	
\$155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
ARTICLE 1: GENERAL PROVISIONS	
100 Title Sets out the title of the UDC	Change title to Unified Development Ordinance (UDO) and supplement with language identifying the Official Zoning Map
101 Authority & Enactment Identifies the statutory provisions allowing the Town to regulate land uses	Carry forward but supplement with additional citations from other relevant portions of the General Statutes, the Town's charter, and any special legislation
102 Purpose Repeats the basic purpose statements for zoning and land development and police power from the General Statutes	Cross-reference the statutory purpose statements and incorporate purpose statements from the Town's adopted policy guidance
103 Effective Date Identifies the effective date for the UDC	Carry forward as revised (note that the adoption date and effective date may differ as the Town needs time after adoption to prepare for implementation)
104 Jurisdiction Discusses the Official Zoning Map, the Future Land Use Map from the Comprehensive Plan, and other maps	- Replace with a section on applicability and exemption that clarifies what kinds of development are subject to these standards - Clarify no development may take place without complying with the UDC - Remove language incorporating future land use as these are policy and not intended to carry the force of law - Relocate map-related provisions to a section on the Official Zoning Map in the Districts article
105 Legal Status Provisions	



APPENDIX - REVIEW OF CURRENT UDC

CLAYTON UNIFIED DEVELOPMENT CODE (effective 2.15.22)

\$155.# / NAME DESCRIPTION	POTENTIAL DISPOSITION IN NEW UDC
Includes a blend of various un-related provisions including how conflict is handled, severability, language about conditions of approval, statute of limitations, repealing inconsistent existing law, delegation with respect to the Administrator	- Split this section apart and relocate as appropriate - Establish a single Conflict section in the Administration article that addresses conflicts, alternatives, flexibility, graphics, conflicts with private agreements, and determination of the most restrictive standard - Establish a separate severability section in the Administration chapter - Address conditions of approval (when applied, how applied, relationship to impacts, approval, etc. in the common review procedures section of the Procedures article - Address statute of limitations for appeals with each procedure as appropriate, and address enforcement limitations in the Enforcement article - Address delegation with the material on review authorities or rules of language construction - Add an updated section on vesting that fits with a proposed vested rights certificate procedure
106 Application of Regulations Clarifies no development allowed until compliance with the UDC; Requires issuance of a zoning permit as a precursor to any development	- Relocate and broaden compliance provisions to section on applicability in Administration article - Address zoning permit requirements in Procedures article (some forms of development may not require a zoning permit - e.g., bona fide farms, exempt subdivisions, exempted signs, etc.)
107 Interpretation of Regulations Identifies the standards in the UDC as minimum requirements; Clarifies that the UDC does not impact covenants (private agreements) unless they are unlawful	- Incorporate the minimum requirements clause with the proposed Applicability section - Address conflicts with private agreements in the proposed more wholistic Conflict section
108 Compliance with Plans	



PROJECT STATUS

Project Kickoff	4.14.22
Stakeholder Interviews Complete	5.23.22
UDC Committee Meeting 1 – Project Introduction	5.23.22
UDC Committee Meeting 2 – Diagnosis	6.27.22
UDC Committee Meeting 2A - Diagnosis	7.20.22
UDC Committee Meeting 3 – Annotated Outline	9.12.22
UDC Committee Meeting 3A – Annotated Outline	9.26.22



TASK 3 ANNOTATED OUTLINE



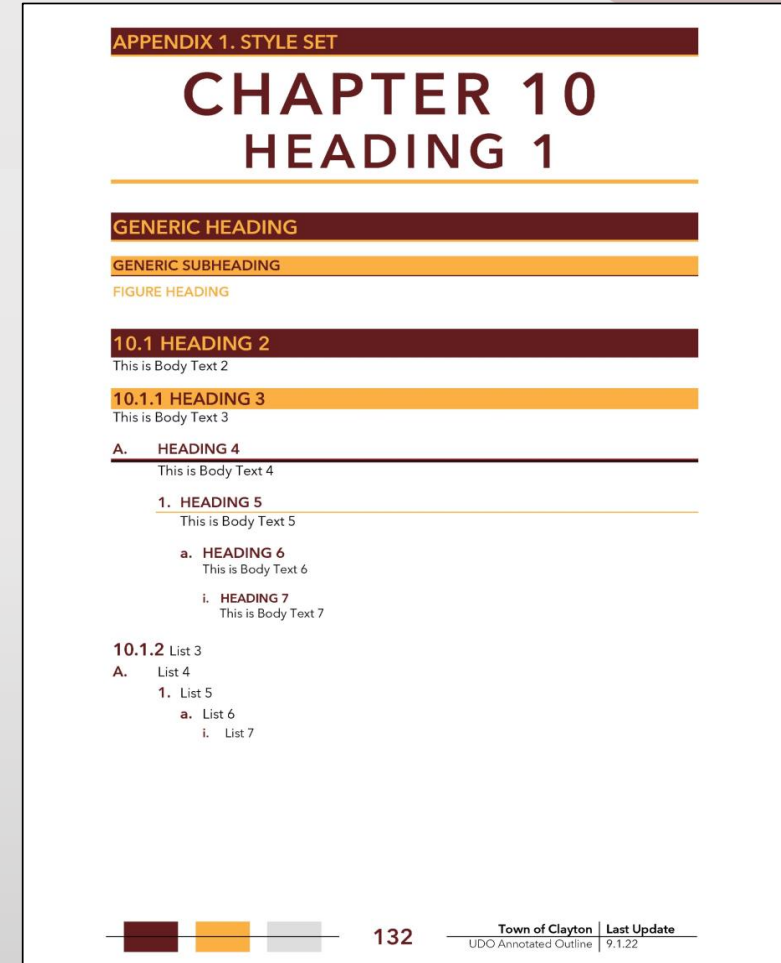
Refinement of concepts discussed in Diagnosis

- UDO document format
- Chapter & Section organization
- Procedures, Districts, Uses
- Exploration of proposed development standards



DOCUMENT BASICS

- 'Dress Rehearsal' for UDO
- About this Annotated Outline (pg. 3)
- Contents (pg. 5)
- Style Set (pg. 132)
- Conventions (pg. 133)
- Document Headers



DOCUMENT BASICS

- Ch. 1 Administration
- Ch. 2 Applications
- Ch. 3 Districts
- Ch. 4 Land Uses
- Ch. 5 Nonconformities
- Ch. 6 Standards
- Ch. 7 Violations
- Ch. 8 Word Usage
- Ch. 9 Appendices



CHAPTER 1 ADMINISTRATION

- 1.1 Applicability
- 1.2 Authority
- 1.3 Conflict
- 1.4 Consistency with Adopted Policy Guidance
- 1.5 Document Title
- 1.6 Effective Date
- 1.7 Procedures Manual
- 1.8 Purpose and Intent of Ordinance
- 1.9 Review Authorities
- 1.10 Severability
- 1.11 Transitional Provisions
- 1.12 Vested Rights



CHAPTER 2 APPLICATIONS

- 2.1 Chapter Introduction
- 2.2 Application Summary Table
- 2.3 Application Types
- 2.4 Review Procedures

Chapter 2 Applications

Section 2.1 Chapter Introduction
Sub-section 1.12.9 Extinguishment of Vested Rights

2.1 CHAPTER INTRODUCTION

This is a new section that explains how the Administration Chapter is organized into a summary table, a set of 34 different application types, and a set of basic or standardized review procedures the Town will follow when processing applications. It also explains the uniform structure of each application section and provides a key to the symbols and colors in each application's procedural flow chart.

2.2 APPLICATION SUMMARY TABLE⁶

This section carries forward and builds on Section 701 of the UDC with several notable changes, including a listing of all review authorities (including the Superior Court as an appellate body), 16 new (or more formalized) application types, inclusion of details regarding appeals, details on pre-application conference requirements, and dynamic hyperlinks (in digital version) to relevant UDO sections.

TABLE <>: APPLICATION SUMMARY TABLE

Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable
Type of Public Hearing: () = Legislative; [] = Evidentiary
[] = Table Note

PROCEDURE	UDO SECTION	PRE-APP. CONFERENCE	TOWN STAFF [1]						BOARD OF ADJUSTMENT	SUPERIOR COURT
			BUILDING INSPECTOR	ENGINEERING DIRECTOR	PLANNING DIRECTOR	TECH. REVIEW COMMITTEE	PLANNING BOARD	TOWN COUNCIL		
Administrative Adjustment	<>	M	•	•	D	C	•	•	[A]	•
Appeal	<>	O	•	•	•	•	•	•	[D]	A
Annexation	<>	O	•	•	R	C	•	(D)	•	A
Building Permit	<>	N/A	D	•	•	•	•	•	[2]	•
Certificate of Occupancy	<>	N/A	D	•	•	•	•	•	[2]	•
Conditional Rezoning	<>	M	•	•	•	[3]	R	(D)	•	A
Conservation Subdivision [4]	<>	M	•	•	D	C	•	•	[A]	•

⁶ NOTE: The Annotated Outline includes a recommendation that the Board of Adjustment be delegated as the review authority for special use permit applications. This is a departure from the Town's current practice (Town Council reviews), but it makes some sense since the BOA is familiar with the procedural requirements and level of detail associated with evidentiary hearings.



Chapter 2 Applications

Section 2.3 Application Types
Sub-section 2.3.1 Administrative Adjustment

2.3 APPLICATION TYPES

This section of the UDO includes each of the 34 application types under the UDO, and is proposed to replace Sections 704 through 718 and 721 in the UDC. Each application has a standardized structure with specified review criteria. The Administrative Adjustment procedure sets out the proposed structure for discussion. Completion of the other application subsections will take place during the code drafting effort.

2.3.1 ADMINISTRATIVE ADJUSTMENT⁷

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure and measurable review criteria for the administrative consideration of requests for minor deviations to certain numeric standards in this Ordinance (like zoning district dimensional standards). The intent of the procedure is to provide relief from practical difficulties in complying with the standards of this Ordinance. Administrative adjustments shall only be granted when the proposed development advances the purposes of this Ordinance as described in Section <>, Purpose and Intent of Ordinance.

FIGURE <>: ADMINISTRATIVE ADJUSTMENT PROCEDURE

Step Action

1 Pre-Application Conference (mandatory)

2 File Application (may be filed alone or with another application)

3 Completeness Determination

4 Staff Review

5 Planning Director Decision (if submitted with another application, decision on an administrative adjustment is rendered first)

6 Written Notice of Decision

7 Review of Associated Applications (if applicable)

B. APPLICABILITY

1. Except where otherwise prohibited, an administrative adjustment may be requested for a modification or deviation to any of the following:
 - a. A zoning district dimensional standard in Chapter 3, Districts.
 - b. A numeric use-specific standard in Chapter 4, Land Uses.
 - c. A numeric requirement in Chapter 5, Standards.
2. In no instance shall an administrative adjustment application seek to reduce any of the following:
 - a. The required minimum lot area in a zoning district;
 - b. Increases in the maximum allowable residential density on a lot;
 - c. The minimum required separation distance between two use types;
 - d. The requirements specified in a transportation impact analysis;
 - e. Reductions to the standards pertaining to flood damage prevention, water supply watershed protection, or riparian buffer protection;

⁷ This is a new procedure. This sub-section provides the full text of the proposed procedure as it would look in the UDO to enable reviewers to better understand the proposed uniform structure of each application procedure.



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Chapter 2 Applications

Section 2.3 Application Types
Sub-section 2.3.1 Administrative Adjustment

- f. Reductions to required infrastructure standards, including streets, potable water, or wastewater system requirements.
3. Development subject to a variance shall not also be subject to an administrative adjustment.

C. AMOUNT OF ADJUSTMENT

An administrative adjustment may allow a deviation from a numeric standard in this Ordinance in accordance with the amount specified in Table <>, Maximum Adjustment Amount.

TABLE <>: MAXIMUM ADJUSTMENT AMOUNT

LOCATION OR TYPE OF DEVELOPMENT	MAXIMUM PERMITTED AMOUNT OF ADMINISTRATIVE ADJUSTMENT
New development or redevelopment within the Downtown zoning district	15%
Redevelopment within all zoning districts except Downtown	10%
New development within all zoning districts except Downtown	5%

D. PROCEDURE

The review procedure for an administrative adjustment shall be in accordance with Section <>, Application Summary Table, Figure <>, Administrative Adjustment Procedure, and Section <>, Review Procedures.

E. REVIEW CRITERIA

An administrative adjustment shall be approved by the Zoning Administrator if the applicant demonstrates all of the following:

1. The administrative adjustment is consistent with the type and maximum thresholds for an administrative adjustment established in this section;
2. The administrative adjustment:
 - a. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or
 - b. Is necessary to allow for proper functioning of public or private infrastructure; or
 - c. Saves healthy existing trees; or
 - d. Helps limit the need for site grading or revision to existing drainage patterns;



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CHAPTER 3 DISTRICTS

- 3.1 Chapter Introduction
- 3.2 Conventional Zoning Districts
- 3.3 Conditional Zoning Districts
- 3.4 Overlay Zoning Districts
- 3.5 General Dimensional Standards
- 3.6 Incentives and Alternatives
- 3.7 Measurements and Exceptions
- 3.8 Zoning Map

Chapter 3 Districts

Section 3.1 Chapter Introduction
Sub-section 3.1.4 District Translation

3.1.4 DISTRICT TRANSLATION

- A. On (insert the effective date of this Ordinance), land zoned with a zoning district classification from the previous Unified Development Code shall be translated or reclassified to one of the zoning districts set forth in Section <>, Districts Established.
- B. The following table summarizes the translation or reclassification of the zoning districts in the prior ordinance to the corresponding one in this Ordinance. For example, the table shows that all lands classified as R-E Residential Estate in the previous ordinance under the column named "Former Zoning District" are now classified RLL Residential Large Lot in this Ordinance as shown under the column titled "Current Zoning District."

TABLE <>: ZONING DISTRICT TRANSLATION TABLE			
FORMER ZONING DISTRICT (FROM PRIOR ORDINANCE)		CURRENT ZONING DISTRICT	
CONVENTIONAL RESIDENTIAL DISTRICTS			
NEW		RUR	Rural
R-E	Residential Estate	RLL	Residential Large Lot
R-10	Single-Family Residential 10	RLD	Residential Low Density
R-8	Single-Family Residential 8	RMD	Residential Medium Density
R-6	Single-Family Residential 6	RHD	Residential High Density
NEW		RMF	Residential Multi-Family
CONVENTIONAL NON-RESIDENTIAL ZONING DISTRICTS			
O-R	Office Residential	OFI	Office Institutional
O-I	Office Institutional		
B-1	Central Business	DTN	Downtown [1] ¹¹
B-2	Neighborhood Business	NCM	Neighborhood Commercial
B-3	Highway Business	CRM	Corridor Commercial
I-1	Industrial Light	LID	Light Industrial
NEW		FID	Flexible Industrial
I-2	Industrial Heavy	HID	Heavy Industrial
CONVENTIONAL SPECIAL DISTRICTS			
NEW		CON	Conservation
PF	Public Facilities	PUB	Public Facilities

¹¹ Riverwood has the B-1 district. Rezoning to mixed use?



CHAPTER 4 LAND USES

- 4.1 Chapter Introduction
- 4.2 Principal Uses
- 4.3 Prohibited Uses
- 4.4 Secondary Uses
- 4.5 Temporary Uses
- 4.6 Unlisted Uses

Chapter 4 Land Uses

Section 4.2 Principal Uses
Sub-section 4.2.5 Listing of Common Principal Uses

TABLE <>: 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

USE CATEGORY	CON	RESIDENTIAL DISTRICTS						MXD	NON-RESIDENTIAL DISTRICTS								PUB	CONDITIONAL DISTRICTS					USE STDS.				
USE TYPE		RUR	RLT	RLD	RMD	RHD	RMF		OFI	DTN	DTN	DTN	NCM	CRM	LID	FID		HID	CZR	CZM	CZC	CZD		ICZ			
Current Districts & Uses (in yellow rows)			R-E	R-10	R-8	R-6			OI	B-1			B-2	B-3	I-1		I-2	PF									
AGRICULTURAL USE CLASSIFICATION																											
Agricultural Processing																											
Agricultural Packaging & Processing	•	S													P	P	P					C					
Agricultural Storage & Distribution	•	S													P	P	P					C					
Agricultural Production																											
Horticulture	•	P	P												P	P											
Plant Nursery (retail or wholesale)	•		P											P	P	P			P								
Nursery			P						P	S	S	S	P	P				P									
Row, Field, or Tree Crops	•	P	P																								
Silviculture	P	P	P												P												
Viticulture	•	P	P												P												
Agricultural Support Service																											
Farm Equipment Sales and Service	•	P													P		P					C					
Farm Supply	•		P													P		P					C				



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CHAPTER 5 NONCONFORMITIES

- 5.1 Chapter Introduction
- 5.2 Nonconforming Lots of Record
- 5.3 Nonconforming Signs
- 5.4 Nonconforming Sites
- 5.5 Nonconforming Structures
- 5.6 Nonconforming Uses

Chapter 5	Section 5.1 Chapter Introduction
Nonconformities	Sub-section 5.1.1 Intent
5.1 CHAPTER INTRODUCTION	
This section builds on and expands the Town's nonconforming provisions as set down in Section 110 of the UDC. It clarifies the intent of the chapter (to allow nonconformities to continue but gradually reach compliance). It clarifies that the burden of proving a lawfully established nonconformity is upon the applicant. It permits (even encourages) maintenance and allows for structural strengthening if needed to maintain public safety.	
5.1.1 INTENT	
5.1.2 DETERMINATION OF NONCONFORMING STATUS	
5.1.3 MAINTENANCE AND CONTINUATION AND ALLOWED	
5.1.4 TENANCY AND OWNERSHIP CHANGES	
5.2 NONCONFORMING LOTS OF RECORD	
This section addresses established lots of record that were platted prior to the effective date of the UDO, but that do not meet the dimensional requirements of the district where they are located. It discusses the procedures for use of such lots of record when located in a residential district as well as redevelopment or reconstruction on such lots following a casualty (major damage). It removes requirements for variances to develop these lots (at least in cases of residential development). In addition, the standards specify that governmental acquisition of a portion of a lot in a residential district shall not render the lot nonconforming (even if it no longer meets the dimensional standards). The section will deal with changes to nonconforming lots such as boundary line adjustments or assembly of multiple lots. It also clarifies that special purpose lots are not required to meet the dimensional standards for the zoning district where located.	
5.2.1 APPLICABILITY	
5.2.2 NONCONFORMING LOT WIDTH OR SIZE	
5.2.3 NONCONFORMITY AFFECTS SETBACKS	
5.2.4 FURTHER SUBDIVISION LIMITED	
5.2.5 GOVERNMENTAL ACQUISITION OF LAND	
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CHAPTER 6 STANDARDS

- 6.1 Access and Circulation
- 6.2 Design Standards and Guidelines
- 6.3 Exterior Lighting
- 6.4 Infrastructure
- 6.5 Landscaping and Screening
- 6.6 Open Space Set-Aside and Parkland
- 6.7 Owners' Associations
- 6.8 Parking and Loading
- 6.9 Pedestrian Facilities
- 6.10 Riparian Buffer Protection
- 6.11 Signage
- 6.12 Soil Erosion & Sedimentation Control
- 6.13 Stormwater
- 6.14 Subdivision Design
- 6.15 Sustainable Development Incentives
- 6.16 Tree Protection



CHAPTER 7 VIOLATIONS

- 7.1 Purpose and Intent
- 7.2 Compliance Required
- 7.3 Description of Violations
- 7.4 Enforcement Procedure
- 7.5 Remedies
- 7.6 Statute of Limitations
- 7.7 Assessment of Civil Penalties

Chapter 7 Violations

Section 7.1 Purpose and Intent
Sub-section 7.3.1 Development Without
Authorization

7.1 PURPOSE AND INTENT

This chapter is an overhaul to Section 720 of the UDC which is particularly abbreviated. The purpose for this chapter is to clarify that the Town seeks to encourage and assist with voluntary compliance, not the application of penalties.

7.2 COMPLIANCE REQUIRED

This section clarifies that compliance is required by all persons owning, developing, managing, using, or occupying land or structures.

7.3 DESCRIPTION OF VIOLATIONS

This section enumerates and describes the six most common classes of violation of the UDO.

7.3.1 DEVELOPMENT WITHOUT AUTHORIZATION

7.3.2 DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

7.3.3 VIOLATION BY ACT OR OMISSION

7.3.4 USE IN VIOLATION

7.3.5 SUBDIVISION OF LAND IN VIOLATION

7.3.6 CONTINUING OR REPEATING A PRIOR VIOLATION

7.4 ENFORCEMENT PROCEDURE

This section describes the basic steps the Town follows with respect to determination if a violation exists and how it is to be corrected (as well as what happens if it isn't).

7.4.1 INVESTIGATION

7.4.2 WRITTEN NOTICE OF VIOLATION

7.4.3 DELIVERY OF WRITTEN NOTICE

CHAPTER 8 WORD USAGE

- 8.1 Abbreviations
- 8.2 Language Construction
- 8.3 Terms Defined

CHAPTER 9 APPENDICES

- 9.1 Appendix 1: Style Set
- 9.2 Appendix 2: Conventions Table
- 9.3 Appendix 3: Zoning District Changes



NEXT STEPS

1. Review Annotated Outline
2. Forward Questions/Comments (if you like)
3. UDC Committee Review Meeting 9.26.22 (6p?)
4. Public Forum 2 9.29.22 (this is a great time to come by for detailed discussion)
5. Review of Annotated Outline with Town Council 10.3.22



UDC COMMITTEE COMMENTS

