

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



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

Michael Grannis
MAYOR PRO TEM

TOWN COUNCIL MEETING

MAY 07, 2012

AGENDA

MAYOR AND TOWN COUNCIL

**MAYOR JODY L. MCLEOD
MAYOR PRO TEM MICHAEL GRANNIS
COUNCILMAN BOB SATTERFIELD**

**COUNCILMAN ART HOLDER
COUNCILMAN R.S. "BUTCH" LAWTER, JR.
COUNCILMAN JASON THOMPSON**

TOWN STAFF

**STEVE BIGGS, TOWN MANAGER
SHERRY L. SCGGINS, TOWN CLERK
BRUCE THOMPSON II, TOWN ATTORNEY**

AGENDA
THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, MAY 7, 2012
7:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. CALL TO ORDER

Pledge of Allegiance
Invocation – Mayor Jody L. McLeod

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

- a. Draft minutes from the April 16, 2012, work session meeting.
- b. Temporary closure of streets for the 29th Annual Clayton Road Race.
- c. Source Recycling infrastructure improvements project resolution.
- d. Citizen initiated annexation petition 2012-04-01 for three parcels located off of NC 42 HWY West between Amelia Church Road and Short Johnson Road.
- e. Preliminary resolution stating the intent to undertake the John Street sewer improvement project.
- f. Proclamation for Older Americans Month.
- g. Proclamation for National Historic Preservation Month.
- h. Proclamation for Municipal Clerk Week.

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Presentation by the Public Art Advisory Board and artist in residence Jody Servon.

5. PUBLIC HEARINGS

- a. Public hearing to close out the Town's Automatic Rolls of NC CDBG-ED project.
- b. Public hearing to describe the State's CDBG program and request for public comment.
- c. Public hearing of ordinance amendments to article 8 of chapter 155 of the Town Code of Ordinances.
- d. Evidentiary hearing for preliminary subdivision request for SUB 2012-36, South Tech Park, Section 2, located on Pony Farm Road.

- e. Evidentiary hearing for special use permit for SUP 2012-15 for a tattoo studio and art gallery located at Grand Plaza Commercial Center.
6. **OLD BUSINESS**
- a. Customer Service Policy Manual.
 - b. Amended Rules for the use of Horne Square.
 - c. Discussion of revised letter of agreement for Mitchiner Hills Subdivision [TRACKING PURPOSES ONLY].
7. **NEW BUSINESS**
8. **STAFF REPORTS**
- a. Town Manager
 - Noise ordinance – comparison to other municipalities.
 - b. Town Attorney
 - c. Town Clerk
 - Calendar of Events
 - d. Other Staff
9. **OTHER BUSINESS**
- a. Informal Discussion & Public Comment.
 - b. Council Comments.
10. **ADJOURNMENT**

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3a

Meeting Date: 5/07/12

TITLE: DRAFT MINUTES FROM THE APRIL 16, 2012, WORK SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

5-07-12

Approval.

Draft minutes from 4/16/12
Work session meeting.

**MINUTES
CLAYTON TOWN COUNCIL
APRIL 16, 2012**

The second regular meeting of the Clayton Town Council for the month of April was held on Monday, April 16, 2012, at 7:30 PM at Town Hall, 111 East Second Street.

PRESENT: Mayor Jody L. McLeod, Mayor Pro Tem Michael Grannis, Councilman Bob Satterfield, Councilman R. S. "Butch" Lawter Jr., Councilman Art Holder, and Councilman Jason Thompson.

ALSO PRESENT: Steve Biggs, Town Manager; Brenton McConkey, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Ann Game, Customer Service Director; Dale Medlin, Electric System Director; Matt Lorion, Parks & Recreation Program Coordinator; Bruce Naegelen, Downtown Development Coordinator; Tommy Roy, Information Services Technician

ITEM 1. CALL TO ORDER

Mayor McLeod called the meeting to order at 7:30 PM. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

Town Clerk Sherry Scoggins requested the following adjustment of the agenda:

- Move Item 5k to Item 4d, Presentation of Clayton Derby Day Proclamation

It was the consensus of the Council to approve the adjustments of the agenda as presented.

ITEM 3. ACTION AGENDA

Councilman Holder motioned to approve the action agenda as presented; Councilman Satterfield seconded the motion. The motion carried unanimously with the following action agenda items being approved at 7:32 PM:

- Item 3a. Draft minutes from the April 2, 2012, regular meeting and the March 19, 2012, work session meeting.
- Item 3b. Notice for public hearing to close out the Town's Automatic Rolls of NC CDBG-ED project on May 7, 2012.
- Item 3c. Notice for public hearing to describe the State's CDBG program and request for public comment on May 7, 2012.

ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS

Item 4a. Introduction of new Town of Clayton employees.

No new Town of Clayton employees were introduced.

Item 4b. Recognition of Jon Huber, Electric Department.

Electric System Director Dale Medlin recognized Senior Electric Line Technician Jon Huber for earning the Journeyman Certification.

Item 4c. Presentation of the 29th Annual Clayton Road Race.

Parks & Recreation Program Coordinator Matt Lorion requested temporary closing of streets for the 29th Annual Clayton Road Race scheduled on Saturday May, 12, 2012, from 9 AM to 11 AM. He stated they are working with public safety and extended an invitation to the Town Council to participate.

It was the consensus of the Town Council to include this item on the consent agenda.

Item 4d. Presentation of Clayton Derby Day Proclamation.

Mayor McLeod read the Clayton Derby Day proclamation into the record:

TOWN OF CLAYTON
PROCLAIMING MAY 5, 2012, AS CLAYTON DERBY DAY

WHEREAS, the Kentucky Derby was first held on May 17, 1875; and

WHEREAS, the Kentucky Derby is hosted the first Saturday of May in Churchill Downs and is known as “The Run for the Roses”; and

WHEREAS, the Clayton Rotary Clubs desire to bring the pageantry and tradition of the Derby to Clayton; and

WHEREAS, the Clayton Rotary Clubs will host its first annual Clayton Rotary Derby Day on May 5, 2012, at Portofino; and

WHEREAS, the Clayton Rotary Derby Day will have events staged in the paddocks, arenas, and stable of Portofino and offer riding demonstrations and exhibits; and

WHEREAS, the Clayton Rotary Derby Day will have social events that include a ladies’ hat contest, a fashion show, site-cooked barbeque, mint juleps, and music by Central Park Band; and

MINUTES – April 16, 2012

Page 3 of 15

WHEREAS, the Clayton Rotary Clubs desire is for the Derby Day to become its signature annual fundraising event and to become a major equine event; and

WHEREAS, the motto for the Rotary's is 'Service Above Self;' and

WHEREAS, funds raised during the Clayton Rotary Derby Days will assist in the efforts of awarding scholarships for graduating high school seniors, program to empower US military veterans, and safe water for the Ryan Epps Orphanage and surrounding neighborhoods in Haiti; and

WHEREAS, the Clayton Town Council established as a goal "Expand Leisure Opportunities", which is in keeping with the Clayton motto as the "Premier Community for Active Families."

NOW, THEREFORE, the Honorable Mayor and Clayton Town Council do hereby proclaim Saturday, May 5, 2012, as "**Clayton Rotary Derby Day**" and urge citizens to participate in and support the Clayton Rotary Clubs and the Clayton Rotary Derby Day.

Duly proclaimed this 16th day of April 2012, while in regular session.

On behalf of the Clayton Town Council, Mayor McLeod presented the Clayton Derby Day Proclamation to Steward McLeod of the Clayton Rotary Club.

ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

Item 5a. Presentation of Customer Service Policy Manual.

Customer Service Director Ann Game stated in the agenda packet is an updated customer service policy manual.

Councilman Satterfield questioned if there is an answer to his question.

Town Attorney Brenton McConkey stated there is no case law in North Carolina. He stated case law in other states is mixed. He stated the suggestion is customers delinquent in restitution of payment for utility services to other municipalities pay a higher deposit.

Based upon question by Council, Customer Service Director Game stated the deposit schedule is the one that was presented to Council last month.

Councilman Satterfield questioned if there can be a category for customers who have not paid previous bills in other municipalities that involves a higher deposit.

Town Attorney McConkey stated the Town may have the option to charge an increased deposit.

Councilman Satterfield stated he would like to see that prior to taking action.

Item 5b. Presentation of amended rules for the use of Horne Square.

Downtown Development Coordinator Bruce Naegelen stated in the agenda packet are the policy for use of the lot when it was known as the Municipal Lot (Lombard and Main Streets) and an amended policy for Horne Square.

Councilman Lawter stated the policy reads the parking lot shall not be closed more than four times a year. He stated he is aware this is being done during the Harvest Festival and added this seems like a low number.

Downtown Development Coordinator Naegelen stated closings include the Harvest Festival, Christmas Village and Tree Lighting and the Christmas Parade.

After discussion, it was the consensus of the Council to raise the number of times the lot may be closed per year to six.

Item 5c. Presentation of ordinance amendments to article 8 of chapter 155 of the Town Code of Ordinances.

Planning Director David DeYoung provided a PowerPoint presentation; herewith attached and incorporated as Exhibit A, Article 8. He stated this is a continuation of the updates to the Unified Development Code, Chapter 155. He stated the goals of the update were to remove use definitions now available in Article 3, add omitted definitions, and modernize definitions. He stated this did go before the Planning Board. He stated the Planning Board concurred with the definitions with the exception of the definition for sign. He stated the Planning Board requested the verbiage “to attract attention” be stricken because it was felt to be too broad. He stated the staff respectfully disagrees and requests the verbiage remain. He added the Appendices are requested to be abolished.

Councilman Satterfield stated for signs his understanding is the Planning Board recommended striking “to attract attention” and the staff does not want it stricken.

Planning Director DeYoung stated affirmative.

Councilman Lawter requested the definition for floodway be reviewed.

This item is slated for public hearing at the May 7, 2012, Council meeting.

Item 5d. Presentation of preliminary subdivision request for SUB 2012-36, South Tech Park, Section 2, located on Pony Farm Road.

Planning Director David DeYoung provided a PowerPoint presentation; herewith attached and incorporated as Exhibit B, SUB 2012-36. He stated this is a major subdivision approval to allow for a five lot subdivision within the park. He stated this is adjacent to the bakery. He stated the subdivision is consistent with the Strategic Growth Plan and is consistent with the Unified Development Code.

Councilman Lawter questioned if the road location is changing.

Planning Director DeYoung stated the road location is changing. He stated the road will come through the property and connect to US 70.

This item is slated for evidentiary hearing at the May 7, 2012, Council meeting.

Item 5e. Presentation of special use permit for SUP 2012-15 for a tattoo studio and art gallery located at Grand Plaza Commercial Center.

Planning Director David DeYoung provided a PowerPoint presentation; herewith attached and incorporated as Exhibit C, SUP 2012-25. He stated the tattoo studio and art gallery would be located at 844 Gulley Drive, Bay P. He stated current tenants of Grand Plaza include Adam & Eve, Smoke Shop, and restaurants. He stated staff is recommending approval with two conditions:

- The tattoo studio and art gallery will be limited to Bay P**
- Hours of the tattoo studio and art gallery are 8 AM to 10 PM daily with the exception of special events for the art gallery**

Mayor Pro Tem Grannis questioned the types of special events.

Planning Director DeYoung stated the front would be used as an art gallery.

Town Manager Biggs questioned if the special events at the location would require a special events permit.

Planning Director DeYoung stated they would not as long as the event is contained within the facility.

This item is slated for evidentiary hearing at the May 7, 2012, Council meeting.

Item 5f. Presentation of Source Recycling Infrastructure Improvements Project Resolution.

Town Manager Steve Biggs stated this is to seek funding support for public infrastructure and it is the first step in that process seeking funding support from outside grant agencies.

It was the consensus of the Council to place this item on the consent agenda.

- Item 5g. Presentation of citizen initiated annexation petition 2012-04-01 for three parcels located off of NC 42 HWY West between Amelia Church Road and Short Johnson Road.

It was the consensus of the Council to place this item on the consent agenda.

- Item 5h. Presentation of preliminary resolution stating the intent to undertake the John Street project.

Town Manager Steve Biggs stated this was included in the spring streets bid package. He stated the sewer package would provide service to existing private lines. He stated the resolution is the first step of a formal process toward assessing the properties for the cost of the sewer improvement project. He stated the resolution sets the schedule for the public hearing and to afford owners an opportunity to come before the Council on this item.

It was the consensus of the Council to place this item on the consent agenda.

- Item 5i. Presentation of proclamation for Older Americans Month.

It was the consensus of the Council to place this item on the consent agenda.

- Item 5j. Presentation of proclamation for National Historic Preservation Month.

It was the consensus of the Council to place this item on the consent agenda.

- Item 5k. Presentation of proclamation for Clayton Derby Day [**Council action is requested**].

This item was moved to Item 4d.

- Item 5l. Presentation of proclamation for Municipal Clerk Week.

It was the consensus of the Council to place this item on the consent agenda.

ITEM 6. ITEMS CONTINGENT FOR THE REGULAR MEETING

No items contingent for the regular meeting were presented.

ITEM 7. ITEMS FOR DISCUSSION

- Item 7a. Discussion of revised letter of agreement for Mitchiner Hills Subdivision.

Town Manager Steve Biggs stated some months ago the Town offered an agreement to James McLamb, developer of the Mitchiner Hills Subdivision, regarding conditions to be met before release of building permits. He stated that project is under a stop work order and no permits will be issued until the improvements are installed. He stated in the agenda packet is a proposal from Randell Durham, representative for James McLamb. He stated the request is to revise the agreement. He stated the Council is requested to consider the terms proposed.

Town Manager Biggs stated the Town would receive immediate partial payment for the work that is pending. He stated as permits are taken down, there would be a per lot assessment for the balance of the funds.

Councilman Satterfield stated he would like to see the revised agreement.

Town Manager Biggs stated the agreement will be drafted and provided to the requestor and then it will be back to the Council for discussion and action.

ITEM 8. OLD BUSINESS

Item 8a. Evidentiary hearing for planned development district PDD 2012-05 for East Village of Clayton located on East Front Street between Old NC HWY 42 East and Center Street. *At the request of the applicant, this item was continued from the April 2, 2012, Council meeting.*

Mayor McLeod announced the hearing for planned development district and preliminary subdivision request PDD 2012-05 for East Village of Clayton located on East Front Street between Old NC HWY 42 East and Center Street at 8:05 PM.

Town Attorney Brenton McConkey introduced the hearing procedures for a planned development district and preliminary subdivision request. He explained that planned development districts in which preliminary subdivision requests are being considered are different in certain respects from the capacity in which the Town Council normally functioned. Mr. McConkey stated the typical planned development review requires the Town Council to function in a legislative capacity; however, a planned development district that includes a preliminary subdivision plat requires a hybrid legislative and quasi-judicial public hearing. He stated this is due to the legislative nature of the rezoning process and the quasi-judicial nature of the subdivision process. He stated this means the Town Council acts essentially as a court of law. He stated the Town Council will hold one hearing to consider both the rezoning to the planned development district and the approval of the preliminary plat. He stated with respect to the review of the preliminary plat during this hybrid hearing there is a burden that the applicant meet the four criteria found in the Town's Unified Development Code. He stated anyone opposed to the application must put on evidence of a similar kind showing the criteria have not been met. He stated testimony must be given

under oath. He stated all testimony provided to the Council must be competent and material and substantial. He stated pursuant to the North Carolina General Statutes, competent evidence does not include opinion testimony of lay witnesses on certain matters. He stated hearsay evidence will not be admitted. He stated the Town Council will find the criteria contained in the Unified Development Code and make its decision based on the evidence and testimony presented at the hearing. He stated following the hearing the Council will make separate motions on the approval of the rezoning and the approval of preliminary plat. He added the Council will take separate votes on each motion. Town Attorney McConkey stated his role during the hearing is to monitor all evidence and testimony to ensure that it complies with North Carolina law, the Town's Code of Ordinances and procedures and all other applicable requirements.

Mayor McLeod called all those wishing to give evidence, whether for or against the planned development district and preliminary subdivision plat request, to come forward and be sworn in. Town Clerk Sherry Scoggins administered the oath to: David DeYoung, James E Thiem III, and Rynal Glen Stephenson.

Planning Director David DeYoung provided the following PowerPoint presentation on planned development district PDD 2012-05; herewith attached as Exhibit D, PDD 2012-05. He provided the following overview of PDD-R 2012-05:

- Rezoning to PDD-R with major subdivision approval
- Site previously approved for development in March 2008
- Site will be developed in seven phases
- Phases will include multi-family apartments known as the Arbors, single family and multi-family homes
- The original plan was displayed for reference
- The current plan was displayed for reference
- Landscape buffer is around the site
- Development is exceeding the recreation open space requirement
- Developer has specified the amenities and the type of amenities
- Developer will address the specific amenities package
- Traffic impact analysis has been submitted to Town and reviewed by NCDOT and the Town
 - Roadway improvements were identified
 - Developer has agreed to make the recommended improvements
- East Village project is generally consistent with the master plan
- Rezoning request is consistent with the Unified Development Ordinances and with the previous approval
- Master plan is consistent with the Unified Development Ordinance
- Major subdivision is consistent with the Unified Development Ordinance
- Applicant has addressed the findings of fact
- Referred to handout outlining the conditions of approval; herewith attached as Exhibit E, Modified Conditions:

Mr. Thiem stated amenities in the Arbors include a pool, dog park, extensive walking trails, benches and picnic tables. He stated the single family and multi-family area will have a small mini-park related to the garden and town home project and then a small second mini-park. He stated the major feature is a neighborhood park that will include a gazebo, tot lot, and picnic area. He stated there will be a small mini-park in the single family area and a storm water facility that will be landscaped and have additional picnic tables. He stated the greenway system runs all along Front Street. He stated there will be a greenway system throughout the development and it is a loop system that will exceed a mile. He stated the parks will be tied into the greenway system. He stated when the open space components would be developed. He stated the greenway system will be developed with those portions of development adjacent to it. He stated to minimize disturbance of the land, the greenway is in the resource conservation areas. He stated he is available for questions.

As there was no one to speak in opposition, Mayor McLeod turned this item over to Council for inquiry at 8:21 PM.

Councilman Lawter stated the distributed list of conditions is difficult to follow.

Planning Director DeYoung stated post hearing the conditions will be given to the Town Clerk.

Councilman Thompson stated he wanted to be clear that the only reason for sidewalk on one side of the street is the greenway is replacing the sidewalk.

Planning Director DeYoung stated affirmative.

Councilman Lawter questioned if Parks & Recreation Director Bailey had input on the proposed greenway.

Planning Director DeYoung stated Parks & Recreation Director Bailey did not have input. He stated it is a public greenway that is being done privately. He stated this is a critical link for open space. He stated there is a potential of the sewer easement to connect to the Sam's Branch Greenway, depending upon property owner participation. He stated the downtown area could ultimately connect to the Sam's Branch Greenway and the Mountains-to-Sea Trail.

Councilman Lawter stated that is the main thing he wanted, future opportunity for connection.

Planning Director DeYoung stated the northwest corner has a sewer easement that connects to Sam's Branch.

Town Manager Biggs stated the Town does not have easement connecting or a construction schedule. He added there is a conceptual plan.

Councilman Lawter stated “future” connection.

Planning Director DeYoung stated it will take awhile for it to get here and it is possible.

Mayor McLeod called the Council into deliberation at 8:25 PM.

Mayor Pro Tem Grannis motioned to suspend rules in order to take action; Councilman Satterfield seconded the motion. Motion carried unanimously at 8:25 PM.

Mayor Pro Tem Grannis motioned to approve the wastewater allocation request for 93,600 gpd for this subdivision; Councilman Satterfield seconded the motion.

Town Manager Steve Biggs stated for clarification, there was an original allocation to this site in the 2004 timeframe for 140,040 gpd and this allocation would supersede that allocation.

Motion carried to approve wastewater allocation for 93,600 gpd unanimously.

Councilman Holder motioned the Town Council states approval of the revised master plan establishing planned development district residential; Councilman Satterfield seconded the motion. Motion carried unanimously.

Town Attorney McConkey stated the next step was added as a requirement of the NC General Statutes as this is a rezoning. He stated this language will be seen in future cases before the Council. He stated the Council may shorten the paragraph to motion to approve the zoning statement of consistency and reasonableness.

Councilman Lawter motioned to approve the statement of consistency and reasonableness, “***THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES that PDD-R 2012-05 is consistent with the Town of Clayton Strategic Growth Plan and based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and/or the Planning Board contained in the staff report, and considering the criteria of Section 155.705(J) of the Unified Development Code of the Town of Clayton, PDD-R 2012-05 is reasonable and in the public interest.***” Councilman Holder seconded the motion. Motion carried unanimously.

Mayor Pro Tem Grannis motioned:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that

Subdivision Application **PDD-R 2012-05**, subject to the conditions recommended by the Planning Board and Planning Staff:

Previous Conditions:

- (1) The applicant shall complete the subdivision strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Planning Department Office.
- (2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval shall be void and have no effect.

Amended Conditions Of Approval:

1. All public infrastructures shall be constructed to Town of Clayton standards and approved by the Public Works Department prior to the approval of zoning permits.
2. Homeowners Association documents which delineate funding and maintenance of common areas shall be prepared and submitted to the town prior to the recordation of final plats.
3. Additional conditions (as modified 4-16-12) that were originally part of the preliminary subdivision plan for the Clayton East Village Subdivision (SUB 06-04) as approved July 17, 2006:
 - A. Acreage, capacity and nutrient offset fees for water/sewer shall be paid prior to recording of final plat.
 - B. The review and approval of project water, sewer, storm drainage, and street construction drawings is a separate process. Two sets of these drawings must be submitted to the Public Works Department when they become available.
 - C. Street name request forms shall be submitted to TOC GIS and approved prior to submitting final plat.
 - D. Debris from the clearing of the site will not be burned within TOC Limits.
 - E. A registered landscape architect shall complete a landscape design plan for the storm water control structures.
 - F. Storm water detention ponds shall be designed as amenity areas for the project and be in compliance with TOC's General Design Guidelines. Such facilities shall be owned and maintained by a HOA with adequate financial surety to the Town to assure their future integrity.
 - G. Wetland and riparian buffer areas will be undisturbed except as required for the installation of streets, utilities and greenways. All work shall be in accordance with applicable state and local regulations. Existing trees and vegetation will be preserved as much as practical and in accordance with all applicable regulations.
 - H. All phases of the planned development shall require Site Plan review and approval by the Planning Board.
 - I. No stucco foundations (Council condition).
 - J. Use of the single-family house at the intersection of proposed East Front Street and Old NC 42 HWY East shall be discontinued following completion of the single-family component of East Village. The future

use of the property shall be determined at this time and fully comply with the Town of Clayton’s Unified Development Code.

New Conditions:

1. The perimeter landscaping along East Front Street for the project’s frontage must be installed prior to the issuance of a Certificate of Occupancy for Phase I.
2. Traffic improvements to be completed by the developer will be determined based on coordination with the NCDOT District Office and will be installed prior to the issuance of a certificate of occupancy for the phase that generates an improvement. The timing of the installation of a proposed traffic signal at the intersection of East Front Street and NC 42 Hwy. East will be determined based on a warrant analysis to be completed by the developer and approved by the NCDOT Division Office. An initial signal warrant analysis will be prepared by the developer and submitted to NCDOT upon completion of the East Front Street Extension.
3. Consistent with the Locally Administered Project Agreement (Project U-3605) dated January 17, 2012, execution of a Developers Agreement between the Town and the Developer shall be complete prior to the start of construction of the Front Street Extension.
4. In order to facilitate expedited construction of the East Village greenway system, the applicant is permitted to limit sidewalk construction to one side of each street as approved by the Planning Department.
5. In order to facilitate expedited construction of the East Village greenway system, the applicant will receive 100 percent credit toward Recreation and Open Space fees associated with Land Units S-1 through S-6, M-1 and M-2 as indicated on the Master Plan.

And with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant’s representatives:

- (1) That the subdivision meets all required specifications of the Town Unified Development Ordinance;
- (2) That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area;
- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare; and
- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

Councilman Holder seconded the motion. Motion carried unanimously at 8:29 PM.

Mayor Pro Tem Grannis motioned to approve:

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Subdivision Application PDD-R 2012-05.

Councilman Holder seconded the motion. Motion carried unanimously at 8:30 PM.

ITEM 9. STAFF REPORTS

Item 9a. Town Manager

Town Manager Steve Biggs stated no additional report.

Item 9b. Town Attorney

Town Attorney Brenton McConkey stated no additional report.

Item 9c. Town Clerk

Town Clerk Sherry Scoggins stated the Household Hazardous Waste is Saturday, April 28, 2012, from 8 AM to 1 PM. She stated this is open to all residents of Johnston County.

Item 9d. Other Staff

No other staff presented.

ITEM 10 OTHER BUSINESS

Item 10a. Informal Discussion & Public Comment.

Ms. Janice Batts stated she is here about the John Street project and presented a letter to the Council; herewith attached and incorporated as part of the permanent record.

Item 10b. Council Comments.

Councilman Satterfield motioned to change the Council meeting time from 7:30 PM to 6:30 PM beginning on Monday, May 21, 2012.

Councilman Holder stated he supports it; however, 6:30 PM may be an inconvenience for the residents getting home from work.

Councilman Lawter seconded the motion to amend the meeting time to 6:30 PM.

Motion carried 4-1 with Councilman Holder voting opposed.

ITEM 11. ADJOURNMENT

With there being no further business brought before the Council, Councilman Satterfield motioned to adjourn; Councilman Lawter seconded the motion. Motion carried unanimously at 8:35 PM.

Duly adopted by the Town Council this 7th day of May 2012, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3b

Meeting Date: 5/07/12

TITLE: TEMPORARY CLOSURE OF STREETS FOR THE 29TH ANNUAL CLAYTON ROAD RACE.

DESCRIPTION: Clayton Parks & Recreation respectfully requests to host the 29th Annual Clayton Road Race the morning of Saturday, May 12, 2012,

The attached map shows the proposed route. The requested route is composed of Town maintained streets.

At its April 16, 2012, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Expand Leisure Opportunities

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	
5-07-12	Approval.	Registration form.

29TH ANNUAL CLAYTON ROAD RACE

Part of the Eastern Carolina Corporate Race Series

SATURDAY, MAY 12, 2012



Sponsored by the Clayton Parks & Recreation Department

START TIME: 5K Race and 5K Health Walk (ages 7 & up) - 9am
.1 Mile Tot Trot (ages 6 & under) - 9:45am

START/FINISH: The 5K Race and Health Walk will start at The Clayton Center on Second Street and will finish at The Clayton Center on Horne Street (map of course on back). The .1 mile Tot Trot is open to children ages 6 and under and will start on Horne Street after the adult runners are in.

COURSE: A 5,000 meter (3.1 miles), TAC certified and sanctioned course with some hills through residential Clayton. Electronic timing. Split times at one and two miles. Water will be provided midway through the race and at the finish. See map.

REGISTRATION: Registration fee for the 5K Race and Health Walk is \$15 if postmarked by May 4 and \$20 if postmarked after May 4 and on race day. Tot Trot fee is \$5. Forms can be picked up and dropped off at the Clayton Parks & Recreation office.

RACE DAY: Package pickup and race day registration will be at The Clayton Center on Second Street from 8am until 8:30am.

T-SHIRTS: Guaranteed to all pre-registered 5K entrants returning entries by May 4 and available to all other entrants while supplies last.

AWARDS: **5K Race** - Trophies to the top three overall male and female runners. No duplication of awards. Awards presented to the top three runners, male and female in each of the following age categories: 11 & under, 12-19, 20-29, 30-39, 40-49, 50 & over. **5K Health Walk** - Awards to the first three finishers **Tot Trot** - Ribbons to all participants.

PARKING: Ample parking is available in the parking lot at the corner of Horne and Barbour Streets and Second and Fayetteville Streets (see map).

REFRESHMENTS: Provided by Access Physical Therapy & Wellness

ADDITIONAL INFORMATION: Contact Matt Lorion at 919-553-1554.

REGISTRATION FORM

CIRCLE EVENT: 5K Race 5K Health Walk .1 Mile Tot Trot

Circle T-Shirt Size: Adult Small Adult Med. Adult Large Adult X-Large

Name: _____ Sex: _____ Age on Race Day: _____ Date of Birth: _____

Address: _____ City _____ St _____ Zip _____

Email: _____ Phone: _____

Check if you are an Eastern Carolina Corporate Race Series Participant _____ Company _____

In consideration of acceptance of my entry, I do hereby, for myself, my heirs, executors, administrators, and assigns, waive, release, and forever discharge the Town of Clayton, the sponsors and any race personnel from any and all claims for damages suffered by me as the result of my participation in or traveling to or from the race.

Runner or Parent Signature _____ Date _____

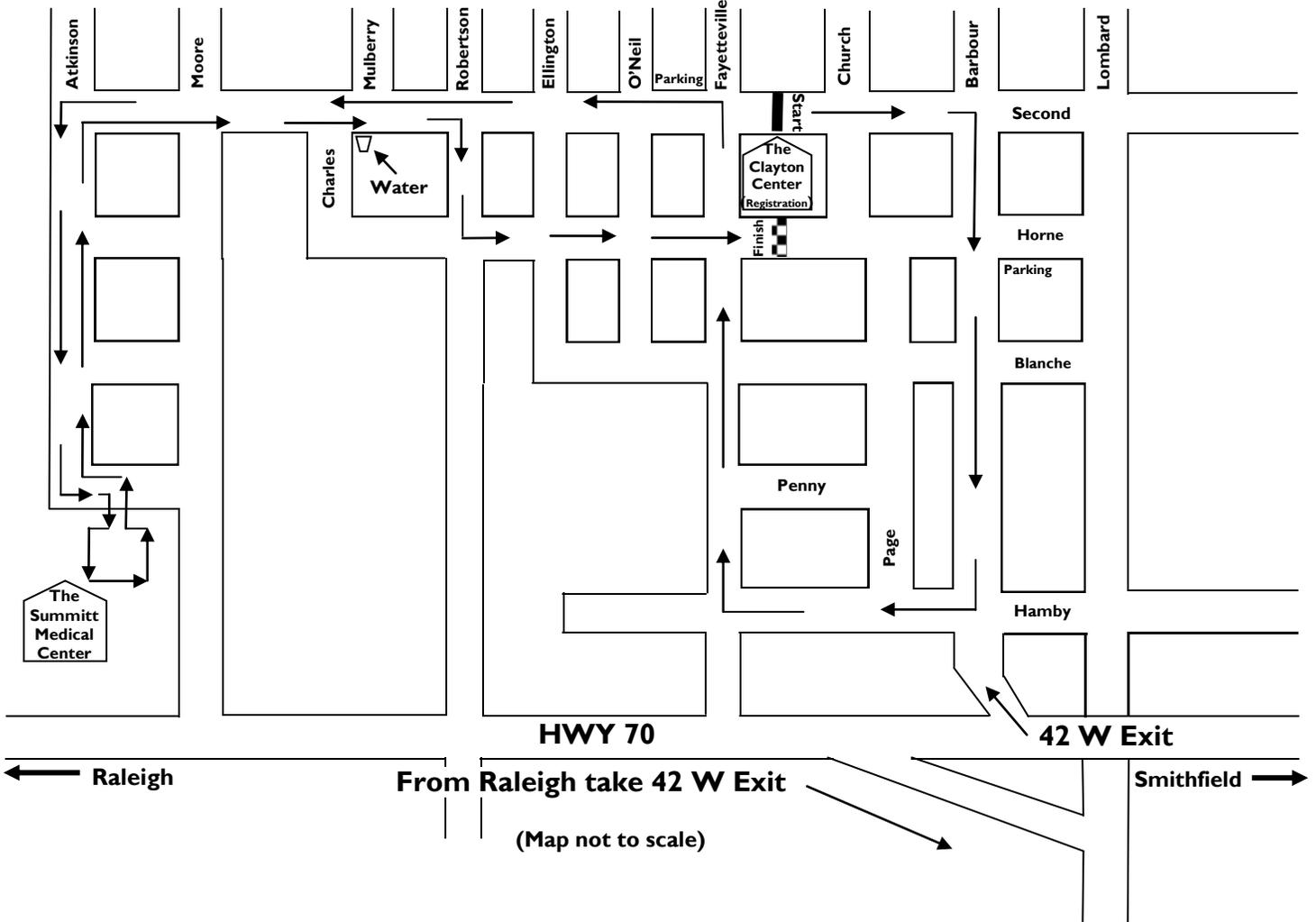
Make check payable to: Town of Clayton

Mail to: Clayton Parks & Recreation Department, PO Box 879, Clayton, NC 27528

Our Appreciation and thanks to:

Clayton Police Department
Girl Scout Troop #464
Access Physical Therapy & Wellness
All Other Race Volunteers

Clayton Rescue Squad
Clayton Youth Council
Clayton News-Star



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3c

Meeting Date: 5/07/12

**TITLE: SOURCE RECYCLING INFRASTRUCTURE IMPROVEMENTS
PROJECT RESOLUTION.**

DESCRIPTION: Attached.

**At its April 16, 2012, Council meeting, it was the consensus
of the Council to place this item on the consent agenda.**

RELATED GOAL: Grow the Local Economy

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	Resolution.
5-07-12	Approval.	Resolution.

**TOWN OF CLAYTON TOWN COUNCIL
Economic Infrastructure Grants Program
Source Recycling Infrastructure Improvements Project Resolution**

WHEREAS, the North Carolina Rural Economic Development Center, Inc. (Rural Center) has authorized the awarding of grants from appropriated funds to aid eligible units of government in financing the cost of infrastructure activities needed to create jobs; and

WHEREAS, the Town of Clayton needs assistance in assisting Source Recycling in the financing of infrastructure project that may qualify for Rural Center funding; and

WHEREAS, the Town of Clayton intends to request Category B grant assistance for the Source Recycling Infrastructure Improvements project from the Economic Infrastructure Grants Program;

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON:

That the Town of Clayton will provide the required 5% local match and through Source Recycling will arrange financing for all remaining costs of the project if approved for a grant.

That Jody McLeod, Mayor and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Clayton with the Rural Center for a grant to assist in the above-named infrastructure project.

That Jody McLeod, Mayor, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Clayton with the NCREDC (Rural Center) for a grant to assist in the above named infrastructure project.

That Steve Biggs, Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with an application or with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

That the Town of Clayton has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Duly adopted this 7th day of May 2012, while in regular session.

ATTEST:

Jody L. McLeod, Mayor

Sherry L. Scoggins, MMC; Town Clerk

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3d

Meeting Date: 5/07/12

TITLE: CITIZEN INITIATED ANNEXATION PETITION 2012-04-01 FOR THREE PARCELS LOCATED OFF OF NC 42 HWY WEST BETWEEN AMELIA CHURCH ROAD AND SHORT JOHNSON ROAD.

DESCRIPTION: Amelia Station LLC submitted the annexation petition requesting annexation of three parcels with a combined acreage of 4.54 contiguous acres.

At its April 16, 2012, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	Resolution & Map.
5-07-12	Approval.	Resolution & Map.

ANNEXATION PETITION 2012-04-01
Off HWY 42 West between Amelia Church Road and Short Johnson Road
Parcels: 05G03007F (.98), 05G03007E (1.01), and 05G03007G (2.55)
Owner – Amelia Station LLC (formerly KZY LLC)
CONTIGUOUS, 4.54 acres

TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition was received on April 9, 2012, by the Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

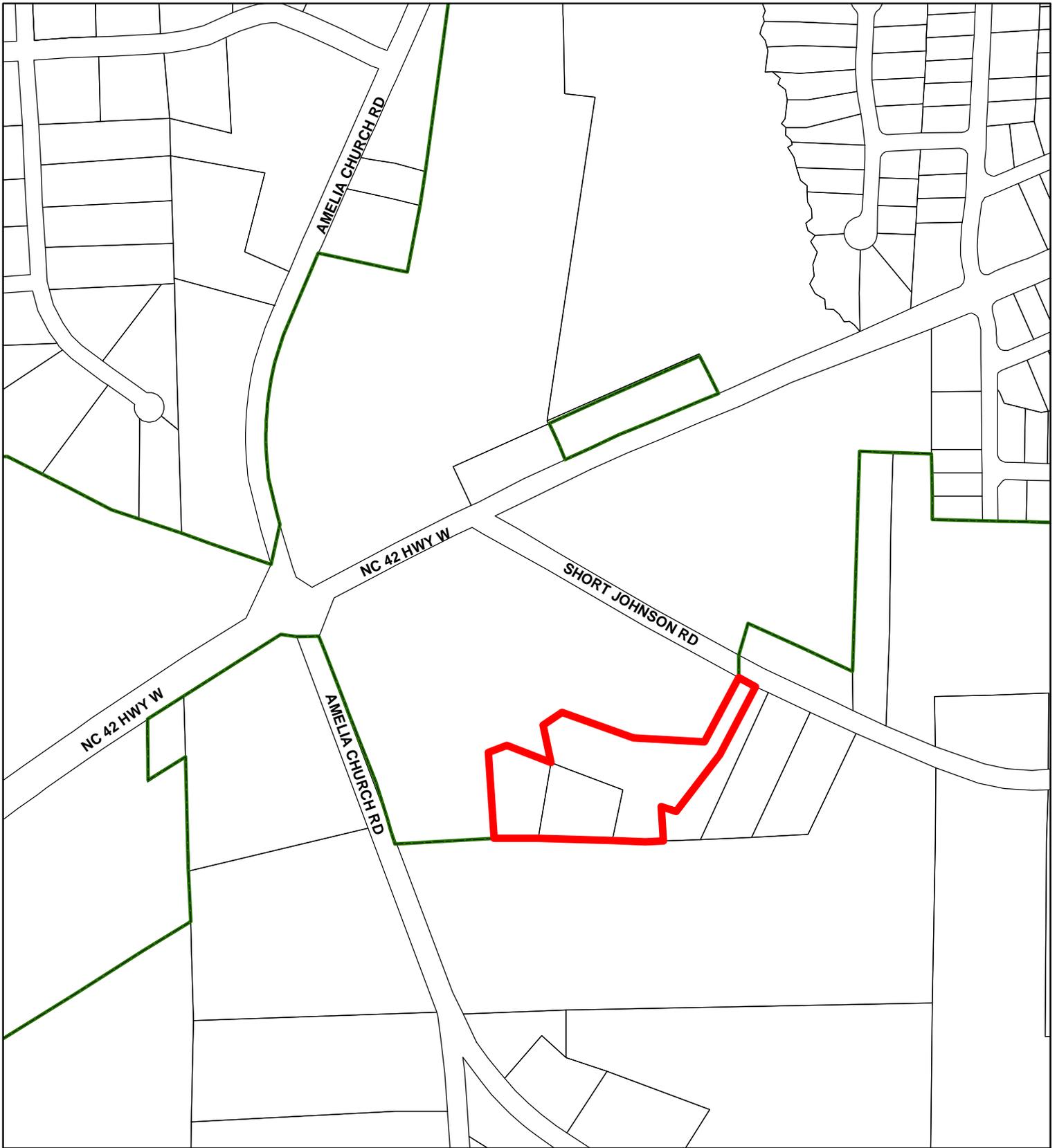
The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town of Clayton the result of her investigation.

Duly adopted this 7th day of May 2012, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Sherry L. Scoggins, MMC
Town Clerk



Annexation Map

J

Legend

-  Clayton Town Limits
-  Clayton ETJ

Applicant(s): Stewart Engineering
 Property Owner(s): Amelia Station LLC
 Parcel Number(s) 05G03007F, 05G03007E &
 05G03007G
 File Number(s): Annex 2012-04-01



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3e

Meeting Date: 5/07/12

TITLE: PRELIMINARY RESOLUTION STATING THE INTENT TO UNDERTAKE THE JOHN STREET PROJECT.

DESCRIPTION: Attached.

At its April 16, 2012, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-20-12	Discussion.	PowerPoint presentation.
3-19-12	Discussion.	
4-02-12	Discussion.	Spreadsheet with four options.
4-16-12	Presentation.	Preliminary Resolution.
5-07-12	Approval.	Preliminary Resolution.

**TOWN OF CLAYTON
PRELIMINARY RESOLUTION TO ASSESS
JOHN STREET TOWNHOME SEWER IMPROVEMENTS**

WHEREAS, consistent with Section 51.21 of the Code of Ordinances the Town of Clayton has identified a sanitary sewer collection project that is necessary and beneficial to undertake for the purpose of protecting the public health and property; and,

WHEREAS, the project has been designed and bid for construction, said project to be administered by the Town of Clayton for betterment to the properties served; and,

WHEREAS, the Town Council intends to undertake said project installing approximately 390 linear feet of eight inch sanitary sewer line and related appurtenances; and,

WHEREAS, the Town of Clayton will assess the property owners along the improved area of 608 through 722 John Street 100% of the cost of the material of the sewer improvements based on the number of benefitted properties, currently estimated at \$4,488.94 for each property; and

WHEREAS, assessments shall be done and payable based on an approved finance schedule in accordance with North Carolina General Statutes 160A-229.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be set by the Town Council of the Town of Clayton on June 4, 2012, at 6:30 PM in the Town Hall in order to hear any and all interested persons with respect to any matter covered by this preliminary assessment resolution.

Duly adopted by the Clayton Town Council this 7th day of May 2012, while in regular session.

ATTEST:

Jody L. McLeod, Mayor

Sherry L. Scoggins, Town Clerk

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3f

Meeting Date: 5/07/12

TITLE: PROCLAMATION FOR OLDER AMERICANS MONTH.

DESCRIPTION: Attached.

At its April 16, 2012, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	Proclamation.
5-07-12	Approval.	Proclamation.

**TOWN OF CLAYTON
PROCLAIMING MAY 2012 AS OLDER AMERICANS MONTH**

WHEREAS, the Town of Clayton joins the State of North Carolina and the Nation in declaring May as Older Americans Month; and

WHEREAS, this year marks the 47th Anniversary of the passage of the “Older Americans Act” by the United States Congress; and

WHEREAS, America’s aging population reached a turning point in 2006 as one of our nation’s largest generations, the baby boomers, started turning 60 – becoming eligible for programs under the Older Americans Act; and

WHEREAS, May has traditionally been celebrated with tributes to older persons through ceremonies, events, fairs, and other activities at Senior Centers and other locations; and

WHEREAS, older Americans play an instrumental role in defining our communities and their health and well-being benefits us all and makes for a successful and healthy town; and

WHEREAS, in recognition of Older Americans Month, the Town of Clayton and the Community and Senior Services of Johnston County will co-host activities at the Clayton Town Hall on Friday, May 18th, 2012, from 11:00 AM until 1:00 PM, for the young at heart aged 55 and older.

Now, therefore, let it be proclaimed by the Honorable Mayor and Town Council of the Town of Clayton that the month of May is recognized as:

“Older Americans Month”

Let it also be proclaimed that all citizens in the Clayton area are encouraged to join in this celebration.

Duly proclaimed this 7th day of May 2012, while in regular session.

Jody L. McLeod,
Mayor

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3g

Meeting Date: 5/07/12

TITLE: PROCLAMATION FOR NATIONAL HISTORIC PRESERVATION MONTH.

DESCRIPTION: Attached.

At its April 16, 2012, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	Proclamation.
5-07-12	Approval.	Proclamation.

**TOWN OF CLAYTON
NATIONAL HISTORIC PRESERVATION MONTH – MAY 2012**

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "Discover America's Hidden Gems" is the theme for National Historic Preservation Month 2012, and is cosponsored by Clayton Historical Association, The Clayton Downtown Development Association and the National Trust for Historic Preservation.

NOW, THEREFORE, let it be proclaimed by the Honorable Mayor and Town Council of the Town of Clayton that May 2012 is

National Historic Preservation Month

And call upon the residents of Clayton to join their fellow citizens across the United States in recognizing and participating in this special observance.

Duly proclaimed this 7th day of May 2012, while in regular session.

Jody L. McLeod,
Mayor

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3h

Meeting Date: 5/07/12

TITLE: PROCLAMATION FOR MUNICIPAL CLERK WEEK.

DESCRIPTION: Attached.

At its April 16, 2012, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	Proclamation.
5-07-12	Approval.	Proclamation.

TOWN OF CLAYTON
PROCLAMATION - MUNICIPAL CLERKS WEEK

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, Municipal Clerks serve as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province and international professional organizations; and

WHEREAS, It is most appreciated that we recognize the accomplishments of the Office of the Municipal Clerk.

***NOW, THEREFORE,** the Town Council of the Town of Clayton, does recognize the week of April 29, 2012, through May 5, 2012, as **Municipal Clerks Week**, and further extends appreciation to our Municipal Clerk, Sherry L. Scoggins, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.*

Witness my hand and seal of the Town of Clayton this 7th day of May 2012.

Jody L. McLeod, Mayor

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 4a

Meeting Date: 5/07/12

**TITLE: PRESENTATION BY THE PUBLIC ART ADVISORY BOARD AND
ARTIST IN RESIDENCE JODY SERVON.**

**DESCRIPTION: The Public Art Advisory Board will report on Artist in
Residence Jody Servon and present recommendations for
the furtherance of public art initiatives.**

RELATED GOAL: Beautify the Town of Clayton and Create an Arts Community

ITEM SUMMARY:

Date:

Action:

Info. Provided:

5-07-12

Presentation.

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 5a

Meeting Date: 5/07/12

TITLE: PUBLIC HEARING TO CLOSE OUT THE TOWN'S AUTOMATIC ROLLS OF NC CDBG-ED PROJECT.

DESCRIPTION: Public notice.

The public hearing is to close out the Town's Automatic Rolls of NC CDBG-ED project. After the public hearing, the Town will complete the required documents.

The receipt of public comment is the only action for this item.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Approval.	N/A.
5-07-12	Public hearing.	

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 5b

Meeting Date: 5/07/12

TITLE: PUBLIC HEARING TO DESCRIBE THE STATE'S CDBG PROGRAM
AND REQUEST FOR PUBLIC COMMENT ON MAY 7, 2012.

DESCRIPTION: Public notice.

This public hearing is to receive public comments. It is the first of two required public hearings before a CDBG application can be submitted and will serve as the first public hearing for CDBG project for an approximate 12 month period after the public hearing.

The receipt of public comment is the only action for this item.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Approval.	N/A.
5-07-12	Public hearing.	

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 5c

Meeting Date: 5/07/12

TITLE: PUBLIC HEARING FOR ORDINANCE AMENDMENTS TO ARTICLE 8 OF CHAPTER 155 OF THE TOWN CODE OF ORDINANCES.

DESCRIPTION: Attached.

This item is slated for public hearing on Monday, May 7, 2012, at 7:30 PM.

During the April 16, 2012, work session, Council requested the review of the definition of floodway.

RELATED GOAL: Manager Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	Amendment to Article 8.
5-7-12	Public hearing.	Amendment to Article 8.

ARTICLE 8: DEFINITIONS

§ 155.800 GENERAL.

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural, and words used in the plural include the singular.
 3. ~~The word "person" or "applicant" includes firms, associations, organizations, partnerships, corporations, trusts, trustees, estates, individuals, companies, and other similar entities.~~
 4. ~~The word "structure" includes the word "building".~~
 - 5-3. The word "shall" is always mandatory and not merely directory.
 6. ~~The word "used", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used".~~
 7. ~~"Zoning map" shall mean the official Zoning Map of the Town of Clayton, North Carolina.~~
 8. ~~The words "Town Council", shall refer to the Town Council of the Town of Clayton, North Carolina.~~
 9. ~~The words "Planning Board" shall refer to the Planning Board of the Town of Clayton, North Carolina.~~
 10. ~~The words "Board of Adjustment" shall refer to the Board of Adjustment of the Town of Clayton, North Carolina.~~
 - 11-4. The words "day" or "days" shall refer to calendar days and shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the State of North Carolina, in which event it shall also be excluded.
 - 12-5. Any term not herein defined shall be as defined elsewhere in the Town Code of Ordinances or, if not defined elsewhere in the Town Code of Ordinances, as defined in Webster's New International Dictionary, most recent edition.
 - 13-6. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration or table, the text shall control.

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

§ 155.801 ABBREVIATIONS.

[ANSI: American National Standards Institute](#)

BMP: Best Management Practices

BOA: Board of Adjustment

[DAS: Distributive Access System](#)

dbh. Diameter at Breast Height

[DDA: Downtown Development Association](#)

[DENR: Department of Environment and Natural Resources](#)

~~[GFA: Gross Floor Area](#)~~

[ETJ: Extraterritorial Jurisdiction](#)

FAA: Federal Aviation Administration

[FAR: Floor Area Ratio](#)

FCC: Federal Communications Commission

[FEMA: Federal Emergency Management Agency](#)

[FIRM: Flood Insurance Rate Map](#)

~~[GFA: Gross Floor Area](#)~~

NCDOT: North Carolina Department of Transportation

NIER: Non-Ionizing Electromagnetic Radiation

[PAAB: Public Arts Advisory Board](#)

PB: Planning Board

PD: Planning Director

PW: Public Works Director

[RF: Radio Frequency](#)

[SHO: Scenic Highway Overlay](#)

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TIA: Traffic Impact Analysis

TC: Town Council

[TOD: Thoroughfare Overlay District](#)

TRC: Technical Review Committee

UDC: Unified Development Code

[USDA: United States Department of Agriculture](#)

USGS: United States Geologic Survey

[WP- Watershed Protection Overlay](#)

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

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§ 155.802 DEFINED TERMS.

Abutting

~~ABUTTING.~~ The A property that directly touches another piece of property.

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Accessory Structure

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

~~**ACCESSORY BUILDING, STRUCTURE, OR USE.** A detached building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure (see § 155.305).~~

Acreage, Gross

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

Acreage, Net

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

~~**ACCESSORY DWELLING UNIT.** A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate in size to the principal dwelling (see § 155.305(C)(1)).~~

Adjacent

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

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~~**ADULT CABARET.** Any place featuring topless dancers, go-go dancers, strippers, male or female impersonators, or entertainers displaying "specified anatomical areas" as defined by G.S. § 14-202.10, as such statute may be amended from time to time, or other similar entertainers.~~

~~**ADULT CARE HOME.** An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well being of themselves or others and therefore require supervision.~~

~~**ADULT-ORIENTED BUSINESS.** Any place defined as an "adult establishment" as defined by G.S. § 14-202.10, as such statute may be amended from time to time, including adult cabarets, and except the definition of "massage business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult oriented business specifically includes, however, any massage business where massages are rendered by any person exhibiting "specified anatomical areas" and/or where massages are performed on any client's "specified anatomical areas." "Specified anatomical areas" are those defined by G.S. § 14-202.10, as such statute may be amended from time to time.~~

Alteration

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

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~~AMUSEMENT CENTER.~~ Any indoor place that contains three or more amusement devices of any description, including but not limited to pinball games, billiards, computer amusement (video games), and/or games of chance for the public amusement, patronage and recreation.

Antenna

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

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Applicant

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

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Approval Authority

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

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~~ARTIST STUDIO, GALLERY.~~ A building used for the preparation and display of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

~~ASSISTED LIVING RESIDENCE.~~ Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies.

~~BED AND BREAKFAST.~~ A building containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

Best Management Practices (BMP)

~~BEST MANAGEMENT PRACTICES (BMP).~~ A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

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~~BOARDING HOUSE.~~ A building, other than a hotel/motel or bed and breakfast, containing not more than nine guest rooms. At least one meal is provided to guests. Individual guest rooms may not contain kitchens.

Buffer

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

~~—**BUFFER.** An area of land planted or constructed to separate uses.~~

~~**BUFFER, PARKING.** See § 155.402(E).~~

~~**BUFFER, PERIMETER.** See § 155.402(E).~~

Buffer, Stream

~~**BUFFER, STREAM.** An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not form a channel and which provides for infiltration of the runoff and filtering of pollutants.~~

~~**BUFFER, STREET.** See § 155.402(E).~~

Building

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

~~**Building Coverage** **BUILDING COVERAGE.** See § 155.201.~~

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

Building Separation

~~The required separation between any two buildings located on the same lot or parcel of land.~~

~~**BUILDING SEPARATION.** The minimum required horizontal distance between buildings.~~

Caliper

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

~~**CEMETERY.** A place used or to be used and dedicated or designated for interments of human remains or pet animal remains.~~

~~**CHILD CARE.** A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.~~

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~~**CHILD CARE HOME.** A child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.~~

~~**CHILD CARE CENTER.** A child care center is an arrangement where, at any one time, there are nine or more preschool-age children or nine or more school-age children receiving child care.~~

~~**CLUB, CIVIC.** An organization of persons for specific purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.~~

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~~**CLUB, PRIVATE.** Any establishment that is organized and operated solely for a social, recreational, patriotic or fraternal purpose that is not open to the general public, but is open only to the members of the organization and their bona fide guests. The definition of private clubs does not include adult oriented businesses as defined in this section.~~

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Co-Location

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

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~~**CO-LOCATION.** The use of a tower or structure to support antennae for the provision of wireless services without increasing the height of the tower or structure.~~

~~**COLLEGE.** An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.~~

~~**COMMERCIAL IMPRACTICABILITY or COMMERCIALLY IMPRACTICABLE.** The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be commercially impracticable and shall not render an act or the terms of an agreement commercially impracticable.~~

~~**COMMON SIGNAGE PLAN.** See § 155.714.~~

~~**COMPLEX.** See § 155.301.~~

Conditional Use ~~**CONDITIONAL USE.** See § 155.710.~~

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

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Comment [AH1]: A use that would not be an appropriate general use without restriction or review in a particular zoning district, but which, if controlled as to number, area, location or relation to surrounding uses, would promote the public health, safety or general welfare.

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Comment [AH2]: A legally binding, voluntary, written limitation on the use and development of real estate entered into in connection with a petition for zoning map change and approved by the Town Council, thus resulting in said petition for zoning map change being a petition for a conditional use district rather than a general use district.

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~~**CONDITIONAL USE PERMIT.** See § 155.710.~~

Construction

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

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~~**CONTRACTOR'S OFFICE.**—A facility for a building, heating, plumbing, electrical, landscape, janitorial or similar contractor. May include overnight storage of fleet vehicles in some districts.~~

~~**CONVENTIONAL RESIDENTIAL SUBDIVISION.**—See § 155.203(E).~~

~~**COUNTY HEALTH DEPARTMENT.**—The Johnston County Health Department.~~

~~**CREMATORIUM.**—A building used for the cremation of human remains.~~

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Crosswalk

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

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Dedication

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

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~~**Density DENSITY.**—See § 155.201.~~

~~The number of dwelling units permitted per net acre of land.~~

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Development

~~**DEVELOPMENT.**—The subdivision of land into two or more parcels, the construction, or reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining excavation, landfill, land disturbance; and any use or extension of the use of land.~~

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~~**DEVELOPMENT, EXISTING.**—Those developments as of the effective date of this subchapter that are built, or those developments having an outstanding valid building permit or a site-specific development plan as authorized by G.S. § 160A-385.1, or having an approved site-specific or phased development plan in compliance with G.S. § 153A-344 or G.S. § 160A-385, and having expended substantial resources (time, labor, money), or meeting the court created common law or constitutional standards of a substantial expenditure of resources (time, labor, or money) based on a good faith reliance upon having received a valid local government approval to proceed with the project.~~

~~**DISH ANTENNA OR EARTH STATION.**—An accessory structure with a combination (1) of antenna or dish antenna, whose purpose is to receive communication or other signals from a transmitter or transmitter relay located in planetary orbit; (2) a low noise amplifier which is situated at a focal point of the receiving component, and (3) whose purpose is to magnify and transfer signals; and a coaxial cable whose purpose is to carry the signals into the interior of the building.~~

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~~**DISTRICT, GENERAL USE.**—See § 155.200(A).~~

~~DISTRICT, OVERLAY.~~ See § 155.200(C).

~~DISTRICT, SPECIAL USE.~~ See § 155.200(B).

~~DRIVEWAY.~~

Driveway

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

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Dwelling Unit

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

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~~DWELLING UNIT.~~ A building, or portion thereof, providing complete and permanent living facilities for one household and includes the following (see also § 155.202(A)):

- ~~1. Alley-loaded house;~~
- ~~2. Apartment;~~
- ~~3. Single family detached;~~
- ~~4. Townhouse;~~
- ~~5. Two-family house;~~
- ~~6. Upper story residential; and~~
- ~~7. Zero lot line house.~~

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Easement

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

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Extraterritorial Jurisdiction (ETJ)

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

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~~EXTRATERRITORIAL JURISDICTION.~~ That portion of the Town's planning area located outside the corporate boundaries of the Town.

~~FAMILY.~~ One or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding four, living together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the state.

Fence

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

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~~FENCE.~~ Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Floor Area, Gross ~~FLOOR-AREA, GROSS. See § 155.201.~~

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

Comment [AH3]: For dwelling units, the total area, computed on a horizontal plane inclusive of finished basements, attached garages, entrances, hallways, stairways and other enclosed areas, but exclusive of unfinished basements, cellars and attics.
For commercial or industrial buildings or structures, the sum of all horizontal surface areas of all floors of a building or structure measured from the exterior faces of the exterior walls or from the center line of walls separating abutting buildings or structures.

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Flood Fringe Area

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

Floodplain

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

~~FLOODPLAIN.~~ Any normally dry land area that is susceptible to being inundated by waters of the 1% annual chance flood, that is the 100-year flood.

Floodway

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

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~~FRONTAGE.~~ The dimension of a property that is adjacent to a street.

Frontage, Building

The length of any building or store which fronts upon a public street, a customer parking area, or pedestrian mall and which has one or more entrances to the main part of the building or store.

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Frontage, Lot

The distance for which the front boundary line of the lot and the street line are coincident.

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~~FUNERAL HOME.~~ A building used for the preparation of the deceased for burial and display of the deceased before burial or cremation. A funeral home, as defined in this chapter, includes a funeral chapel.

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~~GAS STATION WITH CONVENIENCE RETAIL.~~ A building used for the sale of gasoline products that also offers for sales prepackaged food items and tangible consumer goods, primarily for self service by the consumer.

Ground Cover

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

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~~GUEST ROOM.~~ A room or suite used as living accommodations for one or more paying visitors.

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Hazardous Material

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

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~~**HAZARDOUS MATERIAL.**—Any substance listed as such in: SARA Section 302, "Extremely Hazardous Substances", CERCLA "Hazardous Substances", or Section 311 of CWA (oil and hazardous substances).~~

~~**HEIGHT.**—See § 155.201.~~

Home Occupation ~~**HOME OCCUPATION.**—See § 155.305(C)(2).~~

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

~~**HOSPITAL.**—An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.~~

~~**HOTEL/MOTEL.**—A building containing one or more guest rooms, for overnight guests, and containing registration facilities, on-site management, cleaning services and combined utilities.~~

Household

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

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~~**HOUSEHOLD.**—One or more persons occupying a single dwelling unit.~~

Impervious Surface ~~**IMPERVIOUS SURFACE.**—See § 155.201.~~

Comment [ATH4]: Impervious Surface COVERAGE (Many towns have this term)- That portion of a lot covered by buildings, structures, paving or other impervious surface materials.

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

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Infrastructure

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

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Junk

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

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~~**JUNK.**—A dilapidated scrap or abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, or parts thereof.~~

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~~**JUNK YARD.**—The use of more than 600 square feet of any lot or parcel for outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, including the storage of automobiles or other vehicles, or dismantling of such vehicles or machinery or parts thereof.~~

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~~**KENNEL.**—An establishment for the keeping or breeding of dogs for profit, or having four dogs or more on any premises.~~

Land Disturbing Activity

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

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~~LANDFILL.~~ A disposal facility or part of a disposal facility where solid waste is placed in or on land in accordance with G.S. § 130A, Article 9. For the purpose of this subchapter, this term does not include composting facilities.

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Landscape Plan ~~LANDSCAPE PLAN.~~ See § 155.402.

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

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Landscaping

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

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~~LANDSCAPING.~~ Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structures, areas left in their natural state or areas where mulch is used as a ground cover.

Livestock

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

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~~LIVESTOCK.~~ All animals kept or raised on a farm, except however, that necessary working animals and pets are not included.

Loading, Off-Street

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

~~LOADING AND UNLOADING AREA.~~ An completely off-street space on the same lot for the loading or unloading of freight carriers with ingress and egress to a street or alley (see § 155.401).

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Local Street Network

~~LOCAL STREET NETWORK.~~—System of local streets that include commercial streets, collector streets, residential collectors, cul-de-sacs, and alleys (see § 155.602(D)).

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Lot

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

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~~**LOT.** A parcel of land, not divided by streets, occupied or to be occupied by a building and its accessory buildings, or by a unified business or housing development and its accessory buildings, together with such open spaces as are required under the provisions of law, and having its principal frontage on a street or other means of access.~~

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Comment [ATH5]: A parcel of land, not divided by streets, occupied or to be occupied by a building and its accessory buildings, or by a unified business or housing development and its accessory buildings, together with such open spaces as are required under the provisions of law, and having its principal frontage on a street or other means of access.

Lot Area

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

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~~—— **LOT AREA.** A lot or portion of a lot at the junction of and abutting upon two or more streets.~~

Lot, Corner

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

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~~**LOT, CORNER.** A lot that occupies the interior angle at the intersection of two or more right of way lines. A lot abutting on the right of way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.~~

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Lot, Double Frontage

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

Lot, Flag

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

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~~**LOT, FLAG.** An irregularly shaped lot which has an appendage or extension which does not meet lot width requirements of the district at the street.~~

Lot of Record

~~**LOT OF RECORD.** A lot which is part of a subdivision recorded in the Office of the Register of Deeds of Johnston County, or a lot described by metes and bounds, the description of which has been so recorded.~~

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Lot Width

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

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~~**LOT WIDTH.** The horizontal distance between side lines measured along a line that is parallel to the front line and located the minimum exterior setback distance from the front lot line.~~

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~~**MANUFACTURED HOME.** A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a~~

~~dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. Manufactured home includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Manufactured Home Act.~~

~~**MANUFACTURED HOME PARK.** Any plat of ground upon which two or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations. Includes a recreation vehicle park.~~

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~~**MOBILE HOME.** A portable manufactured housing unit built before June 15, 1976 designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. Manufactured home also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.~~

~~**MOBILE HOME PARK.** Any plat of ground upon which two or more mobile homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations.~~

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~~**MULTI-FAMILY DWELLING.** A building arranged to be occupied two or more families. This term shall include apartments, townhouses, and upper-story residential dwelling units.~~

~~**MUSEUM.** Establishment for the display of art or historic or science objects.~~

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Net Acreage, Net Gross

~~**NET ACREAGE, ACRES, LAND AREA, SQUARE FOOTAGE OF LAND AREA.** Land area with streets, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission lines not included in its measurement.~~

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~~**NEWSPAPER PUBLISHER.** A building used for the production and distribution of newspapers, magazines and other related materials.~~

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Nonconformity

~~A condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district.~~

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~~**NONCONFORMITY.** See § 155.719.~~

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Nonconforming Lot of Record

~~**NONCONFORMING LOT OF RECORD.** A recorded lot described by a plat or a deed that was recorded prior to the effective date of these watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements, of the statewide watershed protection rules (See § 155.719).~~

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~~**NURSING HOME.** A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.~~

~~**OFFICE.** A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.~~

~~**OPEN SPACE RESIDENTIAL SUBDIVISION.** See § 155.203(E).~~

~~**OUTDOOR DISPLAY.** See § 155.405.~~

~~**Outdoor Storage** **OUTDOOR STORAGE.** See § 155.405.
The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours.~~

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

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

~~**Parcel** **PARCEL.** See § 155.201.
A continuous plot of recorded land in the possession of or owned by any individual or group of individuals.~~

~~**PARCEL AREA.** See § 155.201.~~

~~**PARK.** An area open to the general public and reserved for recreational, education or scenic purposes (see § 155.300(A)).~~

~~**PARKING AREA.** An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking (see § 155.401).~~

~~**Parking Lot**~~

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~~**PARKING LOT.**—An off-street area ~~not within a building, where~~ used for the storage of motor vehicles may be stored for the purpose of on a temporary, daily, or overnight basis. ~~off-street parking. (see § 155.401).~~~~

Parking Space

~~**PARKING SPACE.**—An designated off-street area designed to accommodate the parking of one vehicle.~~

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~~**PERSONAL WIRELESS FACILITY.**— See **WIRELESS TELECOMMUNICATIONS FACILITIES.**~~

~~**PERSONAL WIRELESS SERVICES (PWS)** or **PERSONAL TELECOMMUNICATIONS SERVICE (PCS).**— Shall have the same meaning as defined and used in the 1996 Telecommunications Act.~~

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Pervious Surface Coverage

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

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~~**PLANNING AREA.**—The land located within the corporate limits of the Town and the land located within the territorial jurisdiction established by the Town Council.~~

~~**PILOT PLANT.**—A building or operation in which processes planned for use in production elsewhere can be developed and/or tested, but not including the production of any goods on the premises primarily for sale or for use in production operations.~~

~~**PLACE OF WORSHIP.**—A building primarily used by a non-profit organization for organized religious services and supporting uses.~~

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Planting Area

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

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~~**PLANTING AREA.**—Areas of a site where groupings (more than one) of trees, shrubs and/or ground cover are proposed and are defined within a bed of mulch.~~

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Plat

~~**PLAT.** A map or plan of a parcel of land which is to be or which has been subdivided.~~

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~~**PLAT, FINAL.**— See § 155.706.~~

~~**PLAT, MINOR.**— See § 155.706.~~

~~**PLAT, PRELIMINARY.**— See § 155.706.~~

~~**PRINCIPAL BUILDING, USE, OR STRUCTURE.** The main use of a lot, or the building or structure in or on which the main use of the lot takes place.~~

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~~**PROHIBITED SIGN.** See § 155.403(G).~~

~~**PROTECTED AREA.** The area adjoining and upstream of the critical area in which protection measures are required. The boundaries of the protected area are defined as extending ten miles upstream and draining to water supply or to the ridge line of the watershed, whichever comes first.~~

~~**PUBLIC FACILITY.** A building or area owned or used by any department or branch of the Town, the state, or the federal government.~~

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~~**PUBLIC STREET.** A dedicated and accepted public right of way for vehicular traffic.~~

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~~**PUBLIC SEWER.** Any sewerage system serving ten or more customers.~~

~~**PUBLIC WATER SUPPLY.** Any water supply furnishing potable water to ten or more customers.~~

~~**RECREATIONAL CLUB, PRIVATE.** Any indoor recreational establishment that is not open to the general public, but is open only to the members of the organization and their bona fide guests, including but not limited to a country club, golf, swimming or tennis club.~~

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~~**RECREATIONAL VEHICLE (RV) PARK.** Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.~~

~~**RECREATION AND OPEN SPACE.** See § 155.203(H).~~

~~**RADIO OR TELEVISION STUDIO.** A building used for radio (audio) or television (visual) recording and production.~~

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Resource Conservation Area

An area set aside for the conservation of natural, archeological or historic resources.

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~~*****RESOURCE CONSERVATION AREA.** See § 155.500.~~

~~**RESTAURANT.** An establishment whose primary purpose is serving meals to patrons.~~

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Right-of-Way

~~**RIGHT-OF-WAY.** An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.~~

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~~**ROOF LINE.** The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.~~

~~**SCHOOL, PUBLIC OR PRIVATE.** A public or private institution offering a curriculum of education authorized by the state giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction, or classes in a specialized subject.~~

~~**SCHOOL, TRADE, OR BUSINESS.** An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.~~

Screening

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

~~**SCREENING.** The method by which a view of one site from another abutting site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.~~

~~**SELF STORAGE FACILITY.** A building or group of buildings consisting of individual, self contained units leased to individuals, organizations, or businesses for self-service storage of personal property.~~

Sewer System, Public

An off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant

Sign

Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention or to convey a message.

~~**SIGN.** Any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public~~

~~**SINGLE FAMILY DWELLING.** A building arranged to be occupied by no more than one family. This term shall include single family detached, zero lot line and alley loaded dwelling units.~~

~~**Site** SITE. See § 155.201.~~

A continuous plot of land to be developed as a single project. A site may contain multiple parcel or lots.

~~**Site Area** SITE AREA. See § 155.201.~~

Site area shall be the total land area of the proposed development. A site may include multiple parcels or lots.

~~**Site Area, Net** SITE AREA, NET. See § 155.201.~~

Net site area shall mean the total gross area of the parcel, minus any resource conservation areas.

Site Plan

A plan, to scale, showing uses and structure proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserve open space, buildings, landscape features-both natural and manmade.

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~~**SITE PLAN.**—A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses, and principal site development features proposed for a specific parcel of land (see § 155.706).~~

~~**SITE PLAN, MAJOR.**—See § 155.706.~~

~~**SITE PLAN, MINOR.**—See § 155.706.~~

~~**SITE SPECIFIC DEVELOPMENT PLAN.**—A plan of land development submitted to the Town for purpose of obtaining one of the following zoning or land use permits or approvals: subdivision plat, site permit, conditional use permit, special use permit, special use zoning district or variance; provided, notwithstanding the foregoing that neither a variance, a plat nor any other document that fails to describe with reasonable certainty that type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.~~

Special Use

A use that meets the intent and purpose of the zoning district but which requires the review and approval by Town Council to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated are mitigated.

~~**SPECIAL USE.**—See § 155.711.~~

~~**Special Use Permit**~~~~**SPECIAL USE PERMIT.**—See § 155.711.~~

A permit issued for a special use following review and approval by Town Council by the proper governmental authority that must be acquired before a special exception use can be constructed after consideration and mitigation of potential impacts or incompatibility with adjacent uses.

State

~~**STATE.**—The State of North Carolina.~~

~~**STEALTH or STEALTH TECHNOLOGY.**—Minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.~~

Stream

A body of concentrated flowing water in a natural low area or natural channel on the land surface.

Stream Buffer

A natural or vegetated area adjacent to a stream through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for the infiltration of runoff and filtering of pollutants.

Stream, Intermittent

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~~**STREAM, INTERMITTENT.**—A watercourse that collects surface runoff and is shown as a dashed blue line on the most recent United States Geologic Survey (USGS) 7½-minute quadrangle topographic maps, is shown as an intermittent stream on the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as an intermittent stream on the Natural Resource Conservation Service (NRCS) maps.~~

Stream, Perennial

~~**STREAM, PERENNIAL.**—A watercourse that collects surface runoff and is shown as a solid blue line on the most recent USGS 7½-minute quadrangle topographic maps, is shown as a perennial stream on maps in the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as a perennial stream on the Natural Resource Conservation Service (NRCS) maps.~~

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~~**STREET, Public.** A dedicated and accepted public right-of-way for vehicular traffic, and access to abutting property. Includes the following (see also § 155.602(D)):~~

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- ~~1. Major thoroughfare;~~
- ~~2. Minor thoroughfare;~~
- ~~3. Collector street;~~
- ~~4. Residential collector street;~~
- ~~5. Commercial street;~~
- ~~6. Residential street;~~
- ~~7. Cul-de-sac;~~
- ~~8. Alley; and~~
- ~~9. Frontage road.~~

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Street, Private

~~Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public.~~

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~~**SUBDIVISION.** See § 155.706.~~

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~~**SUBDIVISION, MAJOR.** See § 155.706.~~

~~**SUBDIVISION, MINOR.** See § 155.706.~~

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~~**TELECOMMUNICATIONS.**—The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.~~

~~**TELECOMMUNICATION SITE.**—See definition for wireless telecommunications facilities.~~

~~**TELECOMMUNICATIONS STRUCTURE.**—A structure used in the provision of services described in the definition of wireless telecommunications facilities.~~

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Thoroughfare, Major

~~Major streets, excluding freeways but not excluding limited access facilities, that provide for the expeditious movement of large volumes of traffic within and through the urban area.~~

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Thoroughfare, Minor

Streets that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Such streets may be used to supplement the major thoroughfare system by facilitating minor through movements and may also serve abutting property.

~~THOROUGHFARE. A major or minor thoroughfare. (see § 155.602(D)).~~

Town

~~TOWN.~~The Town of Clayton, North Carolina.

Transportation Plan ~~TRANSPORTATION PLAN.~~ ~~A The most recent~~ map approved by the Town Council that indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation.

Unified Development Code

Chapter 155 of the Town Code of Ordinances, as adopted by Town Council.

~~Variance~~ ~~VARIANCE~~

~~Permission which is granted by the Board of Adjustment to deviate from A modification or alteration of zoning requirements when strict enforcement of this ordinance certain provisions of the Unified Development Code would cause undue hardship because of circumstances unique to the individual property for which the variance is granted. Only the Board of Adjustment can do this after specific findings of fact.~~

~~VARIANCE, MAJOR WATERSHED. See § 155.716.~~

~~VARIANCE, MINOR WATERSHED. See § 155.716.~~

~~VEHICULAR USE AREA. All open areas and open spaces on the land which are designated, used, required or intended to be used for storage, parking, maintenance, service, repair, display, circulation, or operation of vehicles, including automobiles, buses, trailers, trucks, boats, and motorcycles. This definition is intended to include areas used or intended to be used for driveways to such vehicular use areas but does not include improvements to public roads, streets, highways, and alleys.~~

~~VETERINARIAN, ANIMAL HOSPITAL. A building used for the care and treatment of small animals, including household pets.~~

Waiver ~~WAIVER. See § 155.706(h)(7).~~

Permission which is granted by Town Council or a part of a Planned Development Approval to deviate from specific provisions of the Unified Development Code if mitigating circumstances are justified.

Water Supply, Public

A publically owned system of pipes, structures and facilities through which a water supply is obtained, treated, sold and distributed for human consumption or household use.

Watershed

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~~**WATERSHED.**—All of the land area draining to a particular point on a water course or to a water body. The entire land area contributing surface drainage to a specific point (i.e., the water supply intake).~~

~~**WIRELESS TELECOMMUNICATIONS FACILITY.**—Includes a "telecommunications tower" and "tower" and "telecommunications site" and "personal wireless facility." A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the Town's siting, building and permitting authority, excluding those used exclusively for the Town's fire, police or exclusively for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below the height limits set forth in this subchapter.~~

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Yard, Front ~~**YARD, FRONT.**~~

~~**Is a** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the front line of the lot. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.~~

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~~**YARD, STREET.** See § 155.201.~~

Yard Rear ~~**YARD, REAR.** See § 155.201.~~

~~**Is a** An open space on the same lot with a main building, unoccupied except as hereinafter permitted, extending the full width of lot and situated between the rear line of lot and the rear line of the building.~~

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Yard, Side (Street) ~~**YARD, SIDE (STREET).** See § 155.201.~~

~~The area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.~~

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Yard, Side (Interior) ~~**YARD, SIDE (INTERIOR).** See § 155.201.~~

~~A side yard located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.~~

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Zoning District

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A part, zone, or geographic area within the Town or its Extraterritorial Jurisdiction (ETJ) where certain zoning and development regulations apply.

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Zoning Vested Right

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~~**ZONING VESTED RIGHT.**~~—A right pursuant to G.S. § 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

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(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2009-08-01, passed 8-3-09)

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 5d

Meeting Date: 5/07/12

**TITLE: EVIDENTIARY HEARING FOR PRELIMINARY SUBDIVISION
REQUEST FOR SUB 2012-36, SOUTH TECH PARK, SECTION 2,
LOCATED ON PONY FARM ROAD.**

**DESCRIPTION: The applicant is requesting preliminary subdivision (SUB
2012-36) approval for South Tech Park to create five new
lots. The property is 30.70 acres and is located off of Pony
Farm Road and is Zoned I-2 (Industrial Heavy) and is in the
ETJ.**

**This item is slated for an evidentiary hearing on Monday,
May 7, 2012, at 7:30 PM.**

**At the time of agenda preparation, an annexation petition
was not received by the Town Clerk.**

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	Application, Staff Report, Zoning Map, Aerial Map, And Preliminary Plat.
5-07-12	Evidentiary hearing.	SUB Procedures, Application, Staff Report, Zoning Map, Aerial Map, Preliminary Plat, and Motion Form.

Town of Clayton Subdivision Review Application Hearing Procedure

1. **REGISTRATION.** Persons desiring to speak at an Evidentiary Hearing for review of a Subdivision Application must register with the Town Clerk by 5:00 PM on the day of the hearing. If time allotment remains for one side or the other once registered speakers have addressed the Council, additional speakers may be recognized by the Mayor to give testimony.
2. **HEARING.** The Mayor shall call the hearing and announce the case.
3. **RULES OF PROCEDURE.** The procedure by which testimony may be given shall be announced by the Town Attorney. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
4. **OATHS.** Oaths shall be administered to all speakers. A statement of oath shall be signed by all persons taking the oath.
5. **STAFF REPORT.** The Staff shall give its report.
6. **APPLICANT TESTIMONY.** The applicant shall be called to present their case. If the applicant or a representative is not present to give testimony, the Mayor shall call for a vote of the members present to continue the hearing for thirty days. The applicant shall be notified of such action. The applicant and those speaking in support of the application shall be provided a maximum of fifteen minutes to present their case. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. Those in opposition to the application shall be provided a maximum of fifteen minutes. If the opposition has not chosen speakers on their behalf, they shall be called in the order of registration or the order in which the oaths were signed. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
8. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided a maximum of five minutes to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.

9. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided a maximum of five minutes to rebut testimony provided by the applicant. The Council may also ask questions of the opposition at this time.
10. **COUNCIL INQUIRY.** The Council shall ask any additional questions of the applicant, opposition, or staff at this time. There shall be no time limit except that the Mayor shall be responsible for keeping questions and responses relevant and factual.
11. **DELIBERATION.** The Mayor shall call the Council into deliberation. Once called into deliberation no person may address the Council and no questions may be asked by Council to the public.
12. **UTILITY ALLOCATION (WHEN APPLICABLE).** In the event of pending action on a utility allocation request related to the case and there being no additional testimony, the Council shall take action on a utility allocation in accordance with related policies and procedures.
13. **ACTION-FINDINGS FOR DECISION.** Once discussion of the evidence has been completed and action taken on the utility allocation (when applicable); each finding shall be discussed in turn and a motion, second and vote shall be made for each finding by selecting one of the three alternatives. A majority vote shall prevail. All four findings shall be addressed.
14. **ACTION-APPLICATION.** Once all four findings have been decided and based on the results of the evaluation and vote on those findings, the Council shall make a motion and vote to approve or deny the application.



Town of Clayton
 Planning Department
 111 E. Second Street, Clayton, NC 27520
 P.O. Box 879, Clayton, NC 27528
 Phone: 919-553-1545
 Fax: 919-553-1720

SUBDIVISION APPLICATION

Pursuant to Article 7, Section 155.706 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town of Clayton to approve a Subdivision (major, minor, final plat, or exempt) application. Applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director in accordance with Section 155.702(A).

Subdivision applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fees are as follows:

- *Minor Subdivision: \$200.00 +5.00/lot.*
- *Major Subdivision: 2-15 Lots = \$200.00 +5.00/lot; 16-40 Lots = \$300.00 +5.00/lot; 41-80 Lots = \$400.00 +5.00/lot; 81+ Lots = \$500.00 +5.00/lot; and. Open Space Subdivision = \$500.00 + \$5/lot.*
- *Final Plat: \$250.00*
- *Exempt Map/Recombination: \$50.00*

All fees are due when the application is submitted. Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Major Subdivision applications.

SUBDIVISION TYPE:

Application Type:

- Minor Subdivision
 Major Subdivision
 Final Plat
 Exempt Map
 Recombination

SITE INFORMATION:

Name of Project: SOUTH TECH Park section 2 Acreage of Property: 30.70 Acs
 Preliminary Plat Approval Date (if applicable): _____
 Parcel ID Number: 05F050382 Tax ID: 5m
 Location: Pony Farm Rd.
 Section(s): _____ Phase(s): _____
 Number of Lots (Existing): _____ (Proposed): 5 Min. Lot Size: 6000 sq
 Zoning District: I-2 Planned Development? (Y/N): N Electric Provider: CP&L
 Specific Use: Industrial
 Recreation/Open Space Requirement: Fee in lieu Land Dedication (acreage) _____

FOR OFFICE USE ONLY

PSD

File Number: 2012-36 Date Received: MAR 7 2012 Amount Paid: \$225.00

OWNER INFORMATION:

Name: Waltham Group IV
Mailing Address: 442 1/2 EAST MAIN St. Clayton H.C. 27520
Phone Number: 919-553-5400 Fax: 919-550-3818
Email Address: RBailey@WalthamGroup.com

APPLICANT INFORMATION:

Applicant: Alsey J. Gilbert PLS
Mailing Address: 112 North Church St. Clayton NC
Phone Number: 919-553-5104 Fax: 919-553-3663
Contact Person: Alsey Gilbert PLS
Email Address: alsey.gilbert.pls alseygilbert@gmail.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a Subdivision Plan application. This information is required, except where otherwise noted:

- Required plans (please see the plan requirements checklist below).
- Road Name Approval Application (if applicable). Tentatively Southtech Dr. "named has been reserved per Johnston Co. 911"
- A signed and sealed traffic impact analysis (if required).
- Verification of wastewater allocation (granted or requested). wastewater to be site to site
- Verification of approval for the potable water and waste water system improvements from North Carolina Department of Environment and Natural Resources (NCDENR). NA
- Verification of approval for individual well and septic systems from Johnston County Department of Environmental Health Services (if applicable). N/A
- Driveway permits (Town of Clayton or NCDOT encroachment with associated documentation).
- A copy of proposed deed restrictions and/or covenants (if applicable). N/A

APPLICANT AFFIDAVIT

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

Alsey Gilbert
Print Name

[Signature]
Signature of Applicant

3/5/12
Date

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

Section 155.706(I)(10) of the Unified Development Code requires that certain findings must be made by the Town Council before a Major Subdivision may be approved. Outline below (you may attach additional sheets) how the application addresses each of the following findings:

- (1) That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.

S/D complies

- (2) That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.

Consistent with zoning plan & surrounding uses.

- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.

Upon completion of HC to access s/d should ease any traffic

- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

Plan is consistent with long range growth



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OWNER'S CONSENT FORM

Name of Project: _____ Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to WALTON GROUP & JIM LEE (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Clayton to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

William A. Harvey, Jr. Signature of Owner
William A. Harvey, Jr. for Southern Community Bank Print Name
2/27/12 Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Jim Lee Signature of Owner/Applicant
JIM LEE Print Name
2-27-12 Date

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Parcel ID Number: _____



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
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STAFF REPORT

Application Number: S 2012-36
Project Name: Walthom Group IV STP Tract 2
NC PIN: 167700-08-9609 (a portion of)
Town Limits/ETJ: ETJ
Applicant: Alosey Gilbert, PLS
Owners: Walthom Group IV LLC.

Agent: Jim Lee, Walthom Group IV LLC.

Neighborhood Meeting: Held February 28, 2012 and March 20, 2012

PROJECT LOCATION: The subject site is off of Pony Farm Road in the ETJ of Clayton.

REQUEST: The applicant is requesting Preliminary Subdivision approval for South Tech Park to create five new lots. The property is located off of Pony Farm Road and is Zoned I-2 (Industrial-Heavy) and is in the ETJ. The applicant intends to annex the subject property into the town limits of Clayton.

SITE DATA:

Acreage: 30.70 Acres
Number of Lots: 5 new lots
Open Space: NA
Present Zoning: I-2 Industrial-Heavy
Proposed Zoning: Same
Existing Use: Vacant
Impervious Surface: Max. Impervious 75 percent

DEVELOPMENT DATA:

Proposed Use: Industrial Subdivision
Parcels: 5 new parcels

ENVIRONMENTAL: The subject site is a part of the partially improved South Tech Park industrial development. The developable portion of property has no significant environmental concerns. The remainder is located within sensitive areas/riparian buffers and will remain undeveloped.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R-E
	Existing Use:	Vacant/Agricultural
South:	Zoning:	R-E
	Existing Use:	Vacant
East:	Zoning:	R-E and I-2
	Existing Use:	Vacant/Industrial
West:	Zoning:	R-E
	Existing Use:	Residential/Agricultural

STAFF ANALYSIS AND COMMENTARY:

As stated above, the subject site is part of South Tech Park, which is an industrial subdivision accessed from Pony Farm Road. The applicant has requested preliminary subdivision approval for 5 lots in the South Tech Park industrial development. The applicant intends to annex the subject property into the municipal limits of the Town of Clayton.

The preliminary subdivision for this development shows a proposed road extension to US 70, which if constructed, will create a loop from Pony Farm Road to US 70 improving access to the development. Driveway permits are subject to NCDOT and possibly Town of Clayton approval.

Upon annexation into the town limits the applicant shall submit a wastewater allocation request to the Town Manager for approval.

- **Consistency with the Strategic Growth Plan**

The proposed use is consistent with the Strategic Growth Plan which designates the Future Land Use of the subject site as Industrial. The subject site is also within an industrial subdivision which has access to available infrastructure consistent with Goal 2 of the Strategic Growth Plan

- **Consistency with the Unified Development Code**

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

- **Compatibility with Surrounding Land Uses**

The land use is compatible with the surrounding area.

- **Waivers/Deviations/Variances from Code Requirements**

None requested.

OTHER:

FIRE PROTECTION: The Town of Clayton Fire Department will provide fire protection.

SCHOOL IMPACTS: N/A

PARKS AND RECREATION: N/A

ACCESS/STREETS: Access to the subdivision is off of Pony Farm Road. Driveway permits are subject to NCDOT and possibly Town of Clayton approval.

WATER/SEWER PROVIDER: Will be provided by the Town of Clayton (pending annexation approval).

ELECTRIC PROVIDER: Progress Energy

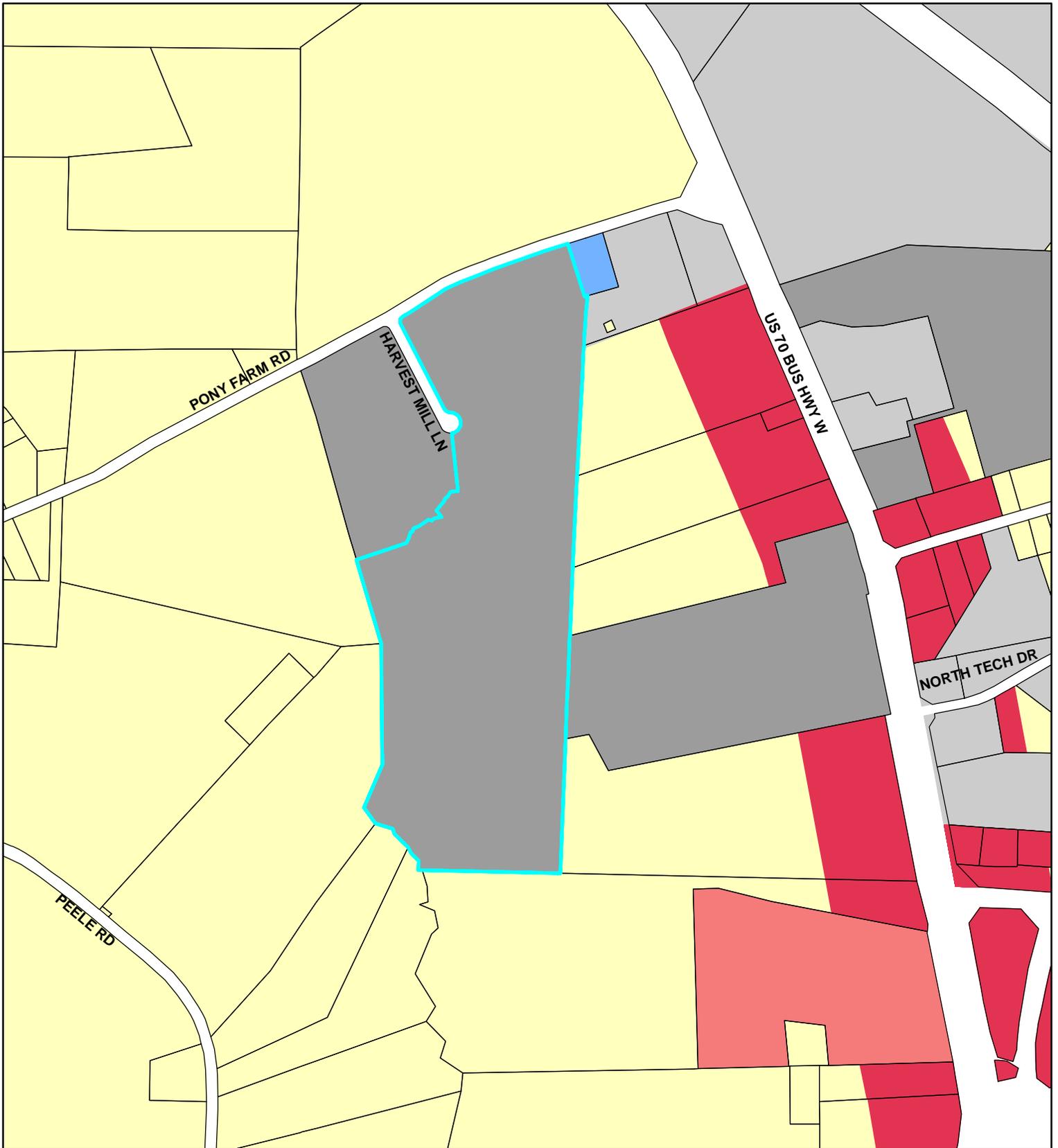
STAFF RECOMMENDATION: Staff is recommending approval of the preliminary subdivision plan.

CONDITIONS OF APPROVAL:

1. Prior to review of a final plat for the subdivision, the property owner shall file a valid annexation petition with the Town Clerk.

PLANNING BOARD RECOMMENDATION:

The Planning Board has recommended approval of S 2012-36 to Council.



Legend

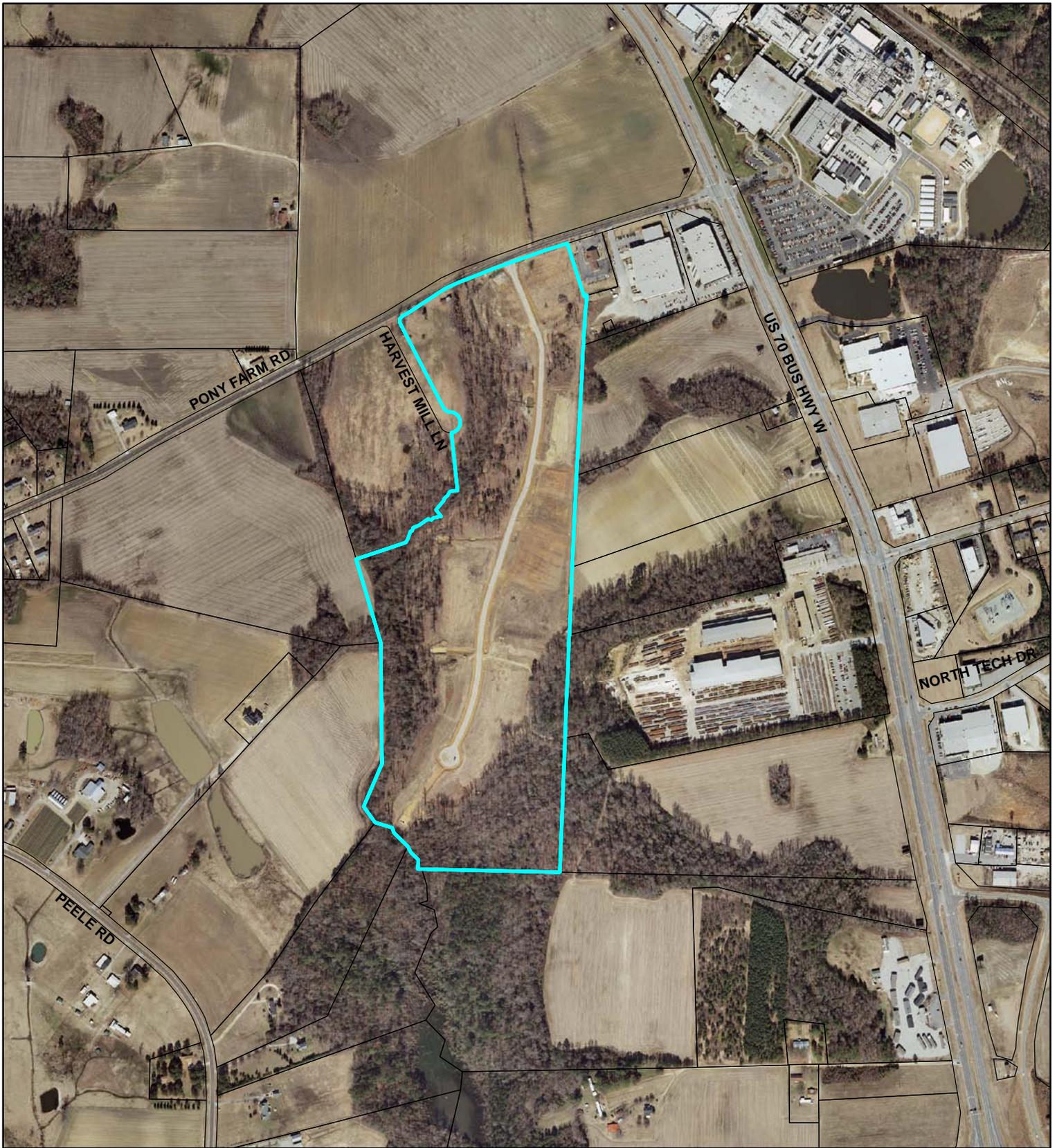
Clayton Town Limits	R-6	PD-C
Clayton ETJ	PD-R	I-1
R-E	B-1	I-2
R-10	B-2	O-1
R-8	B-3	PD-MU
	SUD	

produced by: TOC Planning

Zoning Map

Applicant(s): Alsey Gilbert
 Property Owner(s): Waltham Group IV STP Tract 2
 Parcel Number(s) Portion of 05I05038Z
 File Number(s): SP 2012-25 & S 2012-36





Legend

-  Clayton Town Limits
-  Clayton ETJ
-  100 Year Flood

Aerial Photography Date:
February/March 2010

produced by: TOC Planning

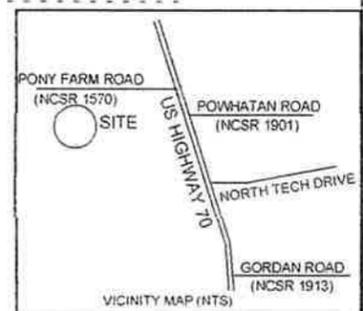
Aerial Map

Applicant(s): Alsey Gilbert
 Property Owner(s): Walthom Group IV STP Tract 2
 Parcel Number(s) Portion of 05105038Z
 File Number(s): SP 2012-25 & S 2012-36



Id	Delta	Radius	Arc Length	Chord	Ch Bear
C1	13°58'22"	355.00'	86.57'	86.38'	N 10°42'09" E
C2	46°44'50"	295.00'	240.66'	234.07'	N 05°41'04" W
C3	22°43'22"	355.00'	140.79'	139.87'	N 07°38'43" W
C4	12°28'16"	280.00'	60.95'	60.83'	N 22°49'21" W
C5	12°28'17"	340.00'	74.01'	73.86'	N 22°49'21" W
C6	54°52'12"	195.00'	186.74'	179.69'	N 44°01'19" W
C8	10°03'05"	355.00'	62.28'	62.20'	N 24°01'57" W
C9	54°52'12"	255.00'	244.20'	234.98'	N 44°01'19" W
C10	54°52'12"	225.00'	215.47'	207.33'	N 44°01'19" W
C11	51°50'49"	225.00'	203.60'	196.73'	N 74°16'48" W
C12	23°06'01"	325.00'	90.71'	90.10'	S 58°54'24" E
C13	46°44'50"	325.00'	265.16'	257.87'	N 05°41'04" W
C14	12°28'16"	310.00'	67.48'	67.34'	S 22°49'21" E

Id	Bearing	Distance
L1	N 16°35'13" W	44.09'
L2	S 03°04'48" W	11.73'
L3	S 03°08'12" W	50.30'
L4	N 03°20'42" E	30.75'



SITE DATA

PARCEL ID NO. 0510532
 PROJECT SIZE 39.10 ACRES
 CURRENTLY LOCATED IN ETTJ
 (ABBREVIATION TO FOLLOW)
 CURRENT ZONING I-2
 NUMBER OF LOTS 5
 PROPERTY IS NOT IN ENVIRONMENT
 SENSITIVE OVERLAY DISTRICT
 EXISTING USE AGRICULTURE

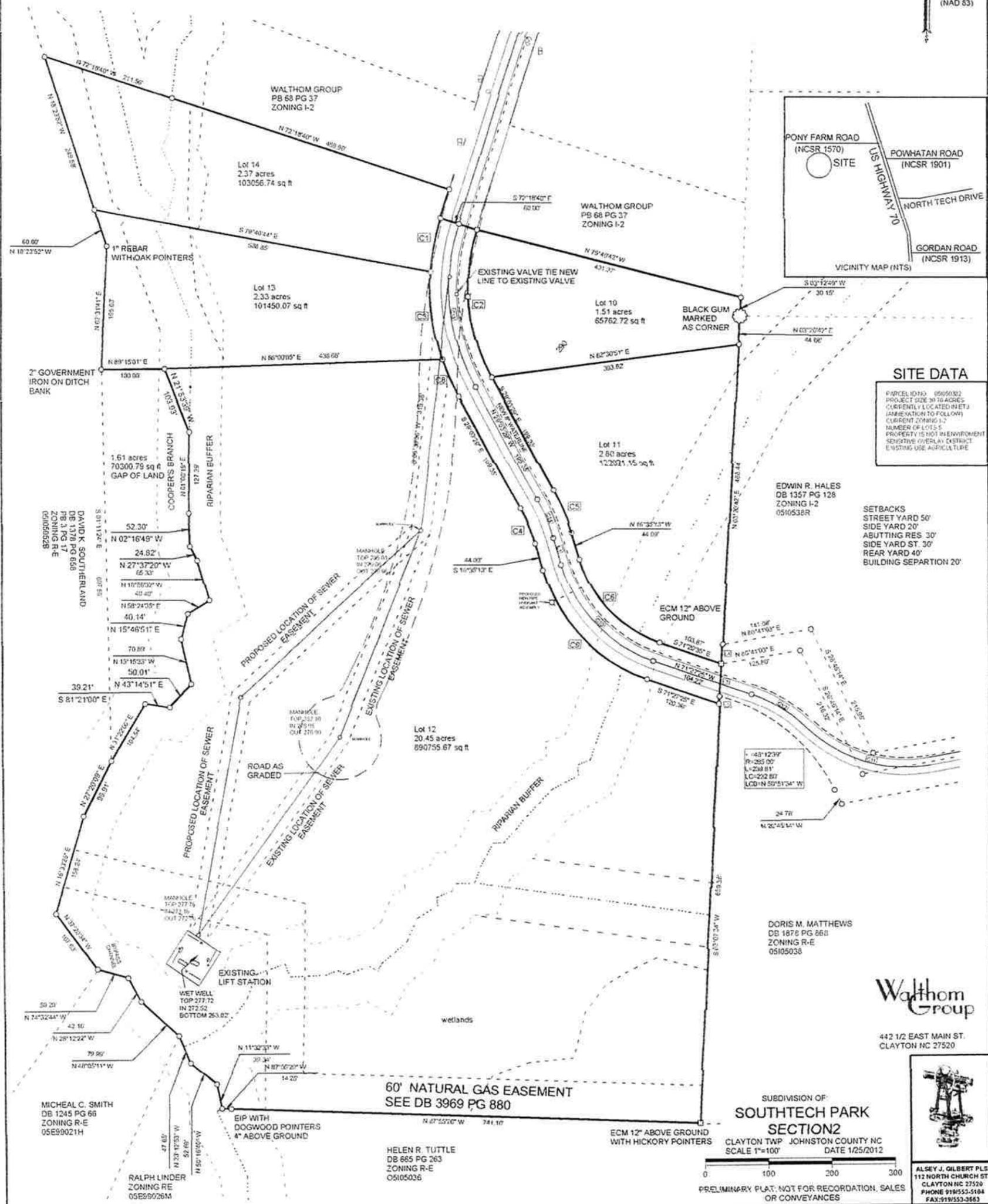
SETBACKS
 STREET YARD 50'
 SIDE YARD 20'
 ABUTTING RES. 30'
 SIDE YARD ST. 30'
 REAR YARD 40'
 BUILDING SEPARTION 20'

Walthom Group

442 1/2 EAST MAIN ST.
 CLAYTON NC 27520



ALSEY J. GILBERT PLS
 112 NORTH CHURCH ST.
 CLAYTON NC 27520
 PHONE 919/553-5104
 FAX: 919/553-3663



SUBDIVISION OF
SOUTHTECH PARK
 SECTION 2
 CLAYTON TWP JOHNSTON COUNTY NC
 SCALE 1"=100' DATE 1/25/2012

PRELIMINARY PLAT, NOT FOR RECORDATION, SALES
 OR CONVEYANCES

**TOWN OF CLAYTON
SUBDIVISION APPLICATION
EVALUATION FORM**

Application Number: 2012-36

The Town Council shall decide the matter of Subdivision Application Number **2012-36** by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

Finding One of Four:

Circle One

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will meet all required specifications and will conform to the Town Unified Development Ordinance. (Applicant meets the criteria for approval).

- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will meet all required specifications and will conform to the Town Unified Development Ordinance: (Applicant meets the criteria for approval upon acceptance of the noted conditions.)

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not meet all required specifications and/or will not conform to the Town Unified Development Ordinance for the following stated reasons: (Applicant fails to meet the criteria for approval.)

Finding Two of Four:

Circle One

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area. (Applicant meets the criteria necessary for approval.)

- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, will be detrimental to the use or orderly development of other properties in the surrounding area and/or will violate the character of existing standards for development of properties in the surrounding area for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

Finding Three of Four:

Circle One

- A. **Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare. (Applicant meets the criteria necessary for approval.)**

- B. **Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)**

- C. **Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, will not provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will not provide for the unified and orderly use of or extension of public infrastructure, and/or will materially endanger the environment, public health, safety, or the general welfare for the following reasons. (Applicant fails to meet the criteria for approval.)**

Finding Four of Four:

Circle One

A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council. (Applicant meets the criteria necessary for approval.)

B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will adversely affect the general plans for the orderly growth and development of the town and/or is not consistent with the planning policies adopted by the Town Council for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

Once all findings have been decided one of the two following motions must be made:

Motion to Approve: Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to approve Subdivision Application # _____.

Motion to Deny: Based upon failure to meet all of the above four stated findings and for reasons stated therein, I move to deny Subdivision Application # _____.

Record of Decision:

Based on a motion and majority vote of the Clayton Town Council Subdivision Application Number 2012-36 is hereby:

_____ approved upon acceptance and conformity with all stated conditions; or,

_____ denied for the noted reasons.

Decision made this ____ day of _____, 20__ while in regular session.

Mayor

ATTEST:

Town Clerk

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 5e

Meeting Date: 5/07/12

TITLE: EVIDENTIARY HEARING FOR SPECIAL USE PERMIT FOR SUP 2012-15 FOR A TATTOO STUDIO AND ART GALLERY LOCATED AT GRAND PLAZA COMMERCIAL CENTER.

DESCRIPTION: The project is located at 844 Gulley Drive and is Bay "P" of Building 4 in the Grand Plaza Commercial Subdivision.

The applicant is requesting a special use permit to allow the operation of a tattoo studio and art gallery in the B-3 SUD.

This item is slated for an evidentiary hearing on Monday, May 7, 2012, at 7:30 PM.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	Application, Staff Report, Zoning Map, Aerial Map, And Preliminary Plat.
5-07-12	Evidentiary hearing.	SUP Procedures, Application, Staff Report, Zoning Map, Aerial Map, Preliminary Plat, and Motion Form.

**Town of Clayton
Special Use Permit Application
Hearing Procedure**

1. **HEARING.** The Mayor shall call the hearing and announce the case.
2. **RULES OF PROCEDURE.** The procedure by which testimony may be given shall be announced by the Town Attorney. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
3. **OATHS.** Oaths shall be administered to all speakers. A statement of oath shall be signed by all persons taking the oath.
4. **STAFF REPORT.** The Staff shall give its report.
5. **APPLICANT TESTIMONY.** The applicant shall be called to present his case. The applicant has the burden to provide testimony and evidence in support of the request. If the applicant or his representative is not present to be sworn, the Mayor may call for a vote of the members present to continue the hearing until the next regular meeting or, in the absence of testimony supporting the application the Council may choose to deny the application. The applicant shall be notified of such action. The applicant and those speaking in support of the application shall be provided a maximum of fifteen minutes to present their case. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
6. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. Those in opposition to the application shall be provided a maximum of fifteen minutes. If the opposition has not chosen speakers on their behalf, they shall be called in the order of registration or the order in which the oath was signed. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided a maximum of five minutes to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.
8. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided a maximum of five minutes to rebut testimony provided by

the applicant. The Council may also ask questions of the opposition at this time.

9. **COUNCIL INQUIRY.** The Council may ask any additional questions of the applicant, opposition, or staff at this time. There shall be no time limit except that the Mayor shall be responsible for keeping questions and responses relevant and factual.
10. **DELIBERATION.** The Mayor shall call the Council into deliberation. Once called into deliberation no person may address the Council and no questions may be asked by Council to the public.
11. **UTILITY ALLOCATION (WHEN APPLICABLE).** In the event of pending action on a utility allocation request related to the case and there being no additional testimony, the Council shall take action on a utility allocation in accordance with related policies and procedures.
12. **ACTION-FINDINGS FOR DECISION.** Once discussion of the evidence has been completed and action taken on the utility allocation (when applicable); each finding shall be discussed in turn and a motion, second and vote shall be made for each finding by selecting one of the three alternatives. A majority vote shall prevail. All four findings shall be addressed.
13. **ACTION-APPLICATION.** Once all four findings have been decided and based on the results of the evaluation and vote on those findings, the Council shall make a motion and vote to approve or deny the application.



Town of Clayton
 Planning Department
 111 E. Second Street, Clayton, NC 27520
 P.O. Box 879, Clayton, NC 27528
 Phone: 919-553-1545
 Fax: 919-553-1720

SPECIAL USE PERMIT APPLICATION

Pursuant to Article 7, Section 155.711 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Special Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$400.00. All fees are due when the application is submitted.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Special Use Permit applications.

SITE INFORMATION:

Name of Project: Grand Plaza Acreage of Property: 2.87
 Parcel ID Number: 05601201 Tax ID: _____
 Deed Book: 2977 Deed Page(s): 750
 Address: 844 Gulley Dr. Clayton, NC 27520
 Location: Grand Plaza 844 Gulley Dr. Clayton, NC 27520

Existing Use: Commercial Proposed Use: Tattoo Studio/Art Gallery
 Existing Zoning District: B-3-S4D
 Requested Zoning District: _____
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): NO
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): TOD 1

FOR OFFICE USE ONLY

File Number: <u>2012-15</u>	Date Received: <u>1-31-2012</u>	Amount Paid: <u>\$ 400⁰⁰</u>
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Exhibit "A"

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

- 1. That the application will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted.

No. We will be inspected by the Johnston County Health Dept. and will follow all their regulations as required.

- 2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

As this is an existing Plaza - we will not change or alter the unit and if needed would apply for permits for any work that would require it.

- 3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

We are not changing anything other than paint and are not looking to alter the unit without consent of Landlord and town of Clayton

- 4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

No. The unit we are looking to rent will remain in same condition except for paint. Any changes will be done through the Landlord and the city of Clayton.

APPLICANT AFFIDAVIT

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

Tom M. Parker / The Gray
Print Name

[Signature]
Signature of Applicant

1-31-2012
Date



Town of Clayton
 Planning Department
 111 E. Second Street, Clayton, NC 27520
 P.O. Box 879, Clayton, NC 27528
 Phone: 919-553-1545
 Fax: 919-553-1720

OWNER'S CONSENT FORM

Name of Project: Grand Plaza

Submittal Date: 1-31-2012

OWNERS AUTHORIZATION

I hereby give CONSENT to Jon m. Parker/Tina Gray (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Clayton to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Teresa Daughtry
 Signature of Owner

Teresa Daughtry
 Print Name owners agent

1-31-2012
 Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Tina Gray
 Signature of Owner/Applicant

Jon Parker Tina Gray
 Print Name

1-31-2012
 Date

FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	Parcel ID Number: _____
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Shades of Gray Tattoo Studio
And Art Gallery

February 20, 2012

Dear Clayton Area Property Owner:

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

Meeting Date: March 13, 2012

Location: Starbucks: Grand Plaza Hwy 70, Clayton

Time: 6:30 pm

Type of Application: Special Use Permit

General Description: We would like to open a tattoo and permanent cosmetics studio along with a fairly large art gallery. We are looking to involve Johnston County artist residents along with students from art classes in Johnston County schools.

If you have any questions prior to or after this meeting you may contact us at (919) 754-7492.

Sincerely,

Tina Gray and Jon Parker

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Shades of Gray - Grand Plaza

Location/Date: Starbucks Hwy 70 Clayton March 13, 2012 @ 6:30 pm

	NAME	ADDRESS
1	Ø	no one showed
2		waited an hour till
3		7:30 pm
4		
5		
6		
7		
8		
9		
10		
11		
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Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545
Fax: 919-553-1720

STAFF REPORT

Application Number: SUP 2012-15
Project Name: Grand Plaza Tattoo Studio & Art Gallery
NC PIN: 164900-98-4001
Town Limits/ETJ: Town Limits
Applicant: Tina Gray & Jon Parker
Owners: Mohamed & Sons Inc.

Agents: Tina Gray & Jon Parker

Neighborhood Meeting: Held March 13, 2012

PROJECT LOCATION: The project is located at 844 Gulley Drive and is Bay "P" of Building 4 in the Grand Plaza Commercial Subdivision.

REQUEST: The request is for a Special Use Permit to allow the operation of a Tattoo Studio and Art Gallery in a B-3-SUD.

SITE DATA:

Acreage: 2.87 acres
Present Zoning: B-3-SUD Highway Business-Special Use District
Proposed Zoning: Same
Existing Use: Vacant
Impervious Surface: NA

DEVELOPMENT DATA:

Proposed Use: Tattoo Studio/Art Gallery
Buildings: 1 existing (1,000 SF of existing building)
Number of Stories: 1 story
Required Parking: 5 (1Per 200 SF of GFA) – Included (shared) as a part of Grand Plaza's approved parking
Proposed Parking: Grand Plaza's approved parking

ENVIRONMENTAL: No environmental concerns.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R-E Residential Estate
	Existing Use:	Agricultural
South:	Zoning:	B-3-SUD Highway Business-Special Use District
	Existing Use:	Commercial
East:	Zoning:	B-3 Highway Business
	Existing Use:	Commercial
West:	Zoning:	B-3 Highway Business
	Existing Use:	Vacant

STAFF ANALYSIS AND COMMENTARY:

The proposed use is planning to occupy a currently vacant 1,000 square foot bay within Grand Plaza. Grand Plaza is located in the B-3 Special Use zoning district. As a B-3 Special Use District, new uses such as the proposed tattoo studio and art gallery must be considered as a Special Use. As a Special Use, Town Council has final approval authority.

- **Consistency with the Strategic Growth Plan**

As part of an existing shopping center, the proposed use is consistent with the Strategic Growth Plan.

- **Consistency with the Unified Development Code**

The applicant is requesting a Special Use approval as required for new uses within the B-3 Special Use zoning district (Section 155.711). It should be noted that the Tattoo parlor is normally considered a special use in the B-3 District.

- **Compatibility with Surrounding Land Uses**

The proposed use will occupy an empty bay in an existing shopping center. Negative impacts or incompatibility issues are not anticipated.

- **Landscaping and Buffering**

Grand Plaza is currently landscaped and no new plantings are anticipated.

- **Signs**

The applicant has not requested signage at this time. There is a common signage plan for the commercial center and the applicant must adhere to the common signage plan.

- o **Architecture**

The proposed business will utilize a portion of the existing building. No new architecture is proposed with this request.

- o **Waivers/Deviations/Variances from Code Requirements**

None requested.

OTHER:

FIRE PROTECTION: The Town of Clayton Fire Department will provide fire protection.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: The business will utilize the existing permitted access on US 70 BUS Hwy W.

WATER/SEWER PROVIDER: Town of Clayton

ELECTRIC PROVIDER: Progress Energy

FINDINGS:

When considering a Special Use Permit application, The Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.711 (I) of the UDC. Please refer to Exhibit "A" for the applicant's response.

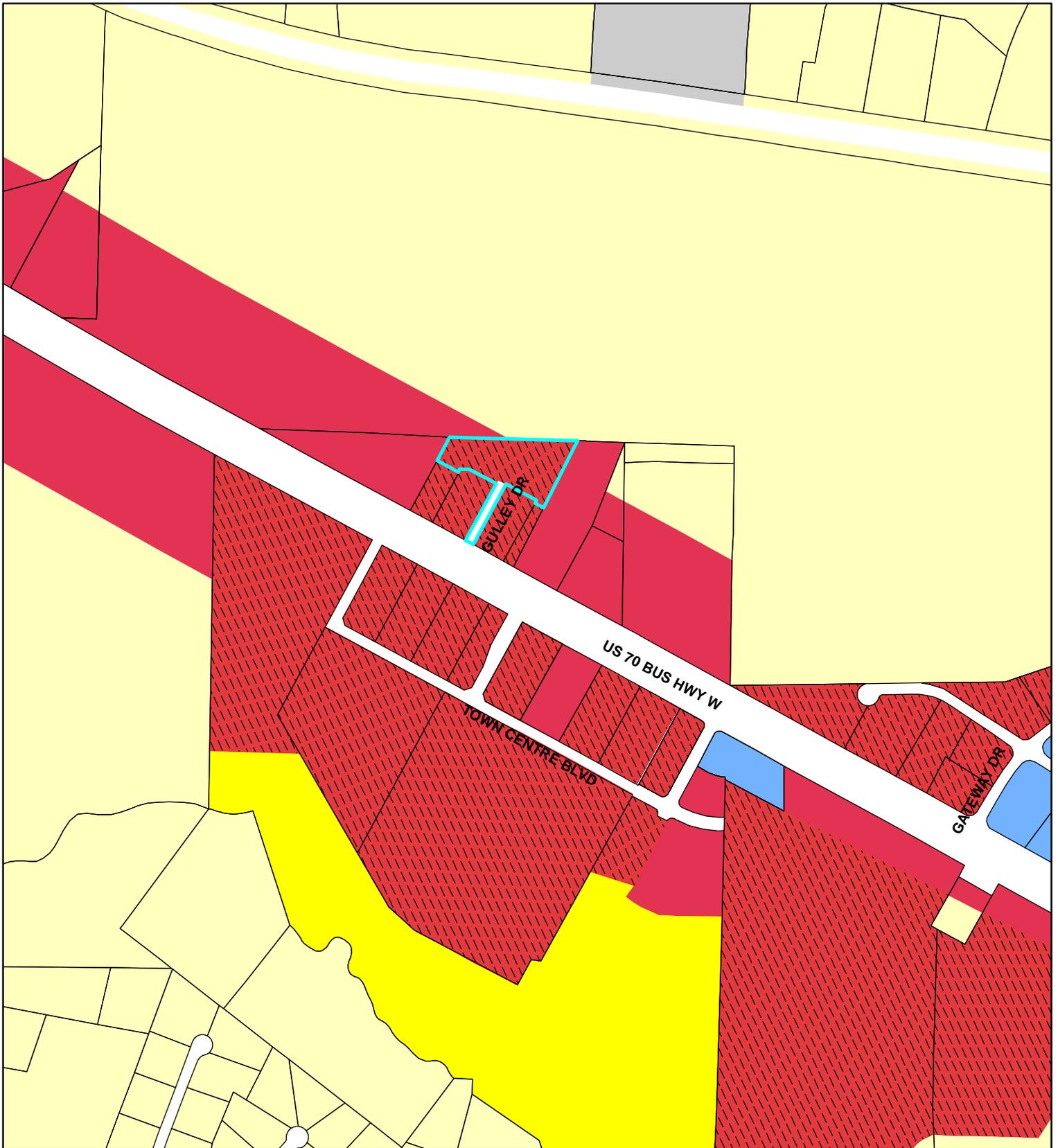
STAFF RECOMMENDATION: Staff is recommending approval of the petition subject to the following Conditions.

CONDITIONS OF APPROVAL:

1. The tattoo studio and art gallery shall be limited to Bay "P" of Building 4 in the Grand Plaza Commercial Subdivision. Any future expansion of the use shall require Special Use approval.
2. The hours of operation for the tattoo studio and art gallery shall be limited daily from 8 am to 10 pm, with the exception of special events associated with the art gallery. **(Revised at Planning Board).**

PLANNING BOARD RECOMMENDATION:

The Planning Board has recommended approval of SUP 2012-15 to Council, with the conditions as indicated.



Legend

Clayton Town Limits	R-6	PD-C
Clayton ETJ	PD-R	I-1
R-E	B-1	I-2
R-10	B-2	O-1
R-8	B-3	PD-MU
	SUD	

produced by: TOC Planning

Zoning Map

Applicant(s): Tina Gray & Jon Parker
 Property Owner(s): Mohamed & Sons Inc
 Parcel Number(s) 05G01201
 File Number: SUP 2012-15





Legend

-  Clayton Town Limits
-  Clayton ETJ
-  100 Year Flood

Aerial Photography Date:
February/March 2010

produced by: TOC Planning

Aerial Map

Applicant(s): Tina Gray & Jon Parker
 Property Owner(s): Mohamed & Sons Inc
 Parcel Number(s) 05G01201
 File Number: SUP 2012-15



Rear Entrance

EXISTING SINK

Restroom

Office area

Storage Shelves

Existing Wall

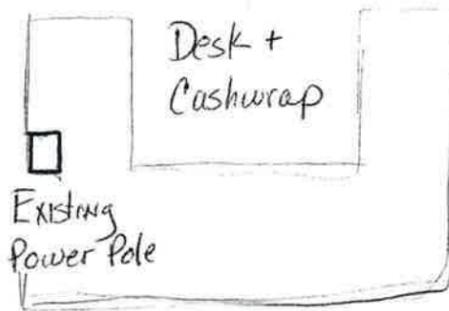
Existing Wall

← Gallery Wall →

Room Dividers are not permanent

• Room Dividers

Room Dividers



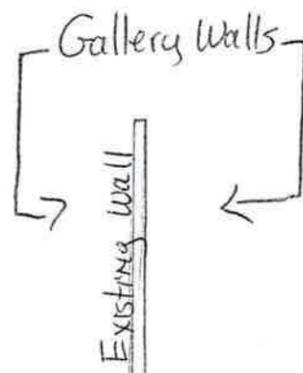
Room Dividers

Gallery Wall

Sofa / Seating area

table

Gallery Wall



Front Entrance

← Windows →



**Town of Clayton
Special Use Permit Application
Evaluation Form**

Application Number: **SUP 2012-15**

The Town Council shall decide the matter of Special Use Permit Application Number **SUP 2012-15** by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

Finding One of Four:

Circle One

- A. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved. (Applicant meets the criteria for approval).

- B. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved with the following additional stated conditions: (Applicant meets the criteria for approval upon acceptance of the noted conditions.)

- C. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: (Applicant fails to meet the criteria for approval.)

Finding Two of Four:

Circle One

- A. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Unified Development Ordinance or other applicable regulations. (Applicant meets the criteria necessary for approval.)

- B. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Unified Development Ordinance or other applicable regulations with the following additional stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

- C. Based on the evidence and testimony presented it is the finding of the Council that the application, fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Unified Development Ordinance or other applicable regulations in the following ways or for the following reasons: (Applicant fails to meet the criteria necessary for approval.)

Finding Three of Four:

Circle One

- A. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. (Applicant meets the criteria necessary for approval.)

- B. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

- C. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons. (Applicant fails to meet the criteria for approval.)

Finding Four of Four:

Circle One

A. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties. (Applicant meets the criteria necessary for approval.)

B. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

C. Based on the evidence and testimony presented it is the finding of the Council that the application, if approved, would adversely affect the general plans for the development of the Town of Clayton or violates the character or standards for the development of the adjacent properties in the following ways or for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

Once all findings have been decided one of the two following motions must be made:

Motion to Approve: Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to approve Special Use Permit Application # _____.

Motion to Deny: Based upon failure to meet each of the above four stated findings and for reasons stated therein, I move to deny Special Use Permit Application # _____.

Record of Decision:

Based on a motion and majority vote of the Clayton Town Council Special Use Permit Application Number SUP 2012-15 is hereby:

_____ approved upon acceptance and conformity with all stated conditions; or,

_____ denied for the noted reasons.

Decision made this ____ day of _____, 20__ while in regular session.

Mayor

ATTEST:

Town Clerk

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6a

Meeting Date: 5/07/12

TITLE: CUSTOMER SERVICE POLICY MANUAL.

DESCRIPTION: Attached.

At the April 16, 2012, Council meeting, Council questioned if an additional deposit category for utility customers who did not pay for utility services provided by other municipal agencies.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	Manual.
5-07-12	Discussion.	Manual, Residential Utility Deposit Information & Utility Service Application.

TOWN OF CLAYTON

Customer Service Policy Manual



Duly Adopted by Town Council and effective _____, 2012

Establishing Service

The Town's Customer Service Department is located in The Clayton Center, 111 E. Second Street. The Town Hall is open from 8:00 a.m. to 5:00 p.m. Monday through Friday. The Customer Service Department has extended hours on Wednesdays until 6:00 p.m. Routine and regular service is performed during these hours except for holidays.

1. **Application for Service:** To begin the process, a customer must complete a Utility Service Application which may be obtained by one of the following methods:
 - a. Visit our website and download a form
 - b. Email customerservice@townofclaytonnc.org to request a form
 - c. Call Customer Service at (919) 553-5002 and request a form be faxed, mailed or emailed
 - d. Visit the Customer Service Department at 111 E. Second Street
2. **Additional Information and Deposits:** In addition to the fully completed Utility Service Application the customer must provide:
 - a. Account deposit
 - b. Photo ID
 - c. Social Security Number or Federal Tax ID Number. In the absence of either, the account will be assessed a higher deposit.
 - d. Lease agreement, if applicable.
 - e. Provide hot water heater fuel source, heating fuel source and cooling fuel source, if applicable
 - f. Presence of in-ground irrigation system, if applicable
 - g. Presence of swimming pool, if applicable

Upon completion of the Utility Service Application, review of additional information and payment of deposit, the account shall be scheduled for connection. Customers may request connection dates in the future. Requests for immediate connection will be honored on the same day if made prior to 10 a.m. otherwise service will be activated the next business day.

Prior Debt

The Town will not furnish service to an applicant who is indebted to the Town for service previously furnished unless and until the debt is satisfied in full.

Customer Deposits

1. Residential: All utility accounts must include a guarantee of payment, which can be demonstrated by either:
 - a. Paying an account deposit as defined in the fee schedule
 - OR-
 - b. Providing a letter of credit from a current utility provider demonstrating good payment history with no late payments within the preceding, no returned checks, no returned drafts, and no disconnects for nonpayment within the preceding 12-months.

2. Non-residential: All non-residential utility accounts must include a guarantee of payment which must be demonstrated paying an account deposit.

Customers with unpaid delinquent balances with other units of government shall be required to bring all delinquent accounts current before services can be established with the Town of Clayton, and they may be subject to a higher deposit.

Future Deposits: Any customer whose service is involuntarily terminated for non-payment, meter tampering, or other reasons may be required to pay a deposit, or an additional deposit, as specified in the above information, prior to reconnection of service. This includes all customer accounts. The future deposit may be at a greater amount based upon account history. Any customer required to post a deposit under the provisions of this paragraph shall forfeit any right for refund of the deposit in advance of closing-out the account.

Refunding Deposits: A deposit will be credited to the customer's account upon disconnection of service. After the deposit is applied, all outstanding balances on the final bill will be the responsibility of the customer and must be paid within ninety (90) days or the balance will be turned over for collection. The deposit will not be refunded if the customer has another account with a past due balance. The remaining credit on the account will be transferred to the account with a past due balance.

Billing: Each account shall be billed on a monthly schedule. From the date of the bill, the customer has 20 days to pay the account without penalty. On the 21st day, a 5% penalty will be applied. If payment is not received prior to the 30th day, a non-payment penalty (see fee schedule) will be applied and the account becomes eligible for disconnection.

Billing Adjustments: The Town makes every effort to accurately bill all utility accounts. From time to time however, errors may occur. These errors may result in over billing or under-billing a customer's account. Immediately upon discovery of such error, the Town shall begin the process of either billing the customer for

undercharges or crediting the customer's account for overcharges. In no circumstance shall the Town back bill a customer or credit a customer's account for greater than a 24 month period.

Customer Requested Adjustments: The Town recognizes that customers may experience failure of equipment and appliances that can result in higher than normal consumption. On a case by case basis, the Town shall investigate the nature of the failure and determine if the account is eligible for an adjustment. In most cases however, accounts are not eligible for an adjustment. A notable exception would be in the case of a burst water pipe which may be eligible for a credit on the calculated cost of sewer service. If the Town determines that an account is eligible for an adjustment, proof of repair in the form of a paid invoice to a contractor or a receipt for repair supplies must be provided before the adjustment can be completed.

Payments: All accounts must be paid in full by the due date on a monthly basis or they may become eligible for disconnection. Customers may make payments by:

1. Mailing a check or money order to Post Office Box 63024, Charlotte, NC 27263-3024
2. Using a debit or credit card via the Town of Clayton's website at www.townofclaytonnc.org
3. Participation in automatic bank draft. An application for bank draft can be found at www.townofclaytonnc.org
4. Visiting the Customer Service Department at 111 E. Main Street during normal business hours. We accept cash, checks and money orders. Credit and debit card payments can be processed on site by the customer at a Town provided terminal.
5. For customer convenience, payments by check or money-order may be placed in our drive-thru drop box located in the parking lot at the Horne Street entrance of the Clayton Center. Payments are retrieved twice daily during regular business hours.

Time Extensions

Customers may request an extension for their delinquent utility bill balance before their disconnect date. The maximum length of time allowed is 10 days past the disconnect date. The extension must be requested by the account holder and must be documented on the customer's account. If payment is not received as documented, utility services will be disconnected without further notice and the balance must be paid in full to restore services.

An extension is a privilege and may be granted based on customer need and circumstances. Approval of an extension request is not guaranteed. No more than two (2) extensions shall be granted within a 12-month period.

Returned Checks or Drafts

The Town will accept only cash, certified check or money order from any customer having two (2) returned checks or drafts within a twelve-month period. Upon receipt of the first returned check or draft, the customer will be informed either by phone call or door hanger that they have 48 hours from notification to pay the returned item with either money order or cash. After the first occurrence of a returned check or draft the customer will not receive a phone call or door hanger prior to disconnection of service. Upon receipt of a second returned check or draft, the customer will be advised that all bills must be paid in cash or by money order for one year. After the one year period ends, if another returned check or draft is received, all future payments must be made in cash or with money order.

If a returned check or draft is not paid within the 48 hour period, utility service will be disconnected without further notice. Customers disconnected subsequent to a returned check or draft which has not been satisfied within 48 hours shall be notified that they have 10-days to clear the unpaid balance with the Town or the matter is turned over to the Johnston County District Attorney's office for collection.

In the event a new customer posts a utility account deposit by personal or corporate check and the check is returned to the Town for insufficient funds, the account will be immediately disconnected without benefit of prior notification. A notation of this provision shall be included on the customer service agreement signed by the customer at the time of account activation. (Adopted July 20, 1998)

As allowed by the State of North Carolina, a charge is added to the customer's bill for each returned check. (See fee schedule for returned check fee amount)

Assistance for Paying Bills

There are several organizations that will assist customers who are having difficulty paying their bills. We encourage each customer to seek assistance prior to their disconnection of services for non-payment.

- | | |
|-------------------------------------|--------------|
| 1. Jo. Co. Dept of Social Services | 919-989-5300 |
| 2. Clayton Area Ministries | 919-553-5654 |
| 3. Johnston-Lee
Community Action | 919-209-0530 |

- 4. Salvation Army
- 5. St. Ann's Catholic Church

919-934-9102
919-934-2084

Budget Bill Program

The Town offers our customers a payment option which allows them to pay a flat amount per month for utility service. This amount is the average of the prior twelve (12) months of utility consumption. Due dates for payments remain the same as the normal and all penalty and disconnect policies will remain in effect. No penalties will accrue, regardless of the account balance, if the payment is received by the due date. In the event of nonpayment disconnection, the customer will be required to bring their account to a zero balance and will no longer be eligible for the program. During the customer's twelfth month of participation, their monthly payment will be recalculated. At that time, the credit or balance will be rolled into the new payment year and the customer will be notified by letter of the new monthly payment amount. If the customer chooses to be removed from Budget Bill, the past due balance is owed immediately.

Any customer, who has had any delinquencies or bad checks, in the previous twelve months, will not be eligible to participate in the Budget Bill Program.

Bank Draft Plan

The Town offers customers the option of having their checking accounts drafted on a set date of the month. This relieves the customer of having a lost or late payment and saves a trip to Town Hall or the cost of an envelope or stamp. Draft dates are as follows:

Cycle 1	8 th	15 th	22 nd
Cycle 2	15 th	22 nd	29 th
Cycle 3	15 th	22 nd	29 th
Cycle 4	8 th	22 nd	29 th

Please contact the Customer Service Department to determine your billing cycle. The participating customer is required to provide Customer Service with a Bank Draft Authorization Form and a voided check for the purpose of establishing the draft. Only customers with good credit are eligible for this program. The Town defines good credit as no delinquencies, no returned checks or drafts in the most recent 12 month period for residential customers and non-residential customers.

Any draft returned by the bank because of insufficient funds or a closed account will be treated as a returned check, and the customer will be removed from the bank draft program.

To make any changes to the Bank Draft Plan requires a customer to complete a new Bank Draft Authorization Form and provide a voided check.

Medical Alert Program

The purpose of this program is to identify customers with chronic or critical health concerns by means of a medical seal affixed to the electric meter on the home. In the event of unplanned interruptions of electric service, such as are common following storms, homes designated with a medical seal are given higher priority for restoration of service. Due to circumstances beyond the control of the Town and its employees (storm damage, loss of generation, etc), electric power cannot be guaranteed 100 percent of the time. Each customer listed with the Medical Alert Program should have a back-up plan for movement of the life support patient if the Town is unable to restore power in a length of time that is acceptable.

In the event of non-payment, homes designated with a medical seal are given personal notification in the form of a phone call, face to face meeting or certified letter of the pending disconnection of electric service. Customers with a medical seal will be disconnected for nonpayment following diligent and proper notice.

Participation in the Medical Alert Program is restricted to customers with documented chronic or critical health concerns. The Town must receive an annual certification of medical necessity form completed by a physician or hospital.

Load Management

Residential Load Management is a means of reducing the amount of electricity being consumed in the home, especially during periods of peak demand. Load management is used to reduce electric demands and provides savings to customers.

Participating customers can have a load management switch installed on their electric water heater, electric heat strips on the heat pump, and/or air conditioner compressor to receive participation credits on their monthly electric bill. During periods of heavy demand for electricity, the switch will activate to interrupt the noted appliances. The more switches the Town has in place the great the impact of the load management program and the more savings available.

The credits available are as follows:

DEVICE	CREDIT AMOUNT	DURATION
Electric Water	\$5.00	January - December (12 months)

Heater		
Heat Pump	\$12.00	December - March (4 months)
A/C Compressor 25% -OR-	\$6.00	June - September (4 months)
A/C Compressor 50%	\$10.00	June - September (4 months)

Customers can receive as much as \$148 per year in

savings.

Disconnecting Service

1. **Voluntary Disconnection:** A customer may request voluntary disconnection of service. This can be done by:
 - a. Visiting the Town's website at and downloading a Utility Disconnect Request form.
 - b. Emailing customerservice@townofclaytonnc.org to request a Utility Disconnect Request form
 - c. Call Customer Service at 919-553-5002 and request a form be faxed, mailed or emailed
 - d. Visit Customer Service Department at 111 E. Second Street

The Utility Disconnect Request form must be completed in its entirety and submitted to Customer Service. Upon completion and review for additional information, the account shall be scheduled for disconnection. Customers may request disconnection dates in the future. Immediate disconnection request will be honored same day if made prior to 9 a.m. otherwise service will be provided the next business day.

2. **Involuntary Disconnection of Service:** The Town may discontinue utility service for any of the of the following reasons:
 - a. Failure of the customer to pay bills for utility service.
 - b. Failure of the customer to pay deposits for utility service.
 - c. Failure of the customer to pay a returned check or draft.
 - d. Upon discovery of meter tampering including bypassing the meter or altering its function.
 - e. Failure of the customer to permit Town employee's access to their meters and/or load management switches at all reasonable hours. Locked gates, loose dogs, parking cars over meters, etc. are violations of Town policy.
 - f. Use of power for unlawful reasons
 - g. Discovery of a condition which is determined to be hazardous or unsafe.
 - h. Provision of false information on a Utility Service Application.
3. **Transferring Service:** If transferring service from one location to another that the Town services, all past due bills must be paid in full. The remaining

amount owed and any fees will be transferred to the new account. A new deposit may also be assessed.

After an account has been closed either by customer request or policy of the Town, all funds, including deposits, refunds, load management, and overcharge credits will be first applied to amounts owed the Town on the closed account. Remaining funds will then be applied to any amounts owed on any other accounts the customer may have with the Town. When those accounts have been fully satisfied, a check for any remaining funds will be issued to the customer.

4. **Disconnection During Extreme Weather:** The Town will not exercise its right to disconnect service for non-payment of any bill when the safety and well being of a customer may be at stake. For that reason, disconnection for non-payment may not be conducted on an extremely cold winter day or extremely hot summer day, taking into consideration temperature, precipitation and other weather conditions. If a customer's bill remains unpaid on the next business day, the disconnect for non-payment may then occur. This delay in disconnection for non-payment will not preclude the Town from disconnection at a future date and does not change the customer's liability for payment of all bills and fees.

Reconnection

When it becomes necessary for the Town to discontinue services for any of the reasons listed in Involuntary Disconnection of Service, service will be restored after payment of:

1. All past due bills due to the Town including additional fees and charges required by this policy
2. Any deposit as required
3. Any material and labor cost incurred by the Town according to the current fee schedule.

After hours reconnection is **not** available to our customers.

Meter Reading

Utility meters are read by the Town according to an established schedule. Reading dates vary slightly from month to month due to weekends, holidays, weather conditions, and other factors. Monthly billing periods are assumed to be 30 days, but may range from 27 to 33 days. The Town's well-trained meter readers use

modern meter reading equipment and techniques. If meter reading corrections are necessary, the Town will make the adjustments and a new bill may be issued upon request. A credit due to a customer from a meter reading error will be posted to the customer's account.

Meter & Load Management Switch Tampering

Tampering with a meter or bypassing a meter is the same as stealing. The large majority of good paying customers who would be financially burdened with paying for the stolen services requires the aggressive enforcement of this policy. The Town will call for prosecution of cases of meter tampering, electric water theft and fraud to the fullest extent of the law. Load management devices are considered by this policy to be the same as meters. Any damage to these devices will be paid by the customer. Should any Town personnel find an electric meter with the seal cut or removed, whether during utility disconnection or normal meter reading cycles, a charge of \$100 will be added to the customer's account, which will be subject to any utility payment policies of the Town. Should a customer discover and report their seal cut, no charge will be levied.

Any person with three or more incidences of a cut seal, whether voluntarily reported or through Town discovery, will face permanent discontinuance of service with the Town.



Town of Clayton
Residential Utility Deposit Information

Account # _____

- A. Account History Waiver:** Customer must provide at time of establishing service: proof of social security number, valid photo ID and a Statement of Account History from current utility provider demonstrating good payment history defined as: **no** late payments, **no** returned checks, **no** returned drafts and **no** disconnects for nonpayment within the immediate preceding 12 months.
- B. Participating Deposit:** Customer must provide at time of establishing service: proof of social security number, valid photo ID and deposit (listed below); the customer **MUST** enroll in Bank Draft and Budget Bill.

Deposit Schedule

Electric	\$150
Water	\$50
Sewer	\$50
Irrigation (if applicable)	\$50
TOTAL	\$50-300

After 6 months of successful bank drafts, the customer's deposit will be applied to their account. If any unsuccessful bank drafts occur within the first 6 months of service, the deposit will not be applied; it will then be subject to review at the account's 1 year anniversary date.

- C. Non-Participating Deposit:** Customer must provide at time of establishing service: proof of social security number, valid photo ID and deposit (listed below); the customer may decline participation in Bank Draft and Budget Bill.

Deposit Schedule

Electric	\$300
Water	\$50
Sewer	\$50
Irrigation (if applicable)	\$50
TOTAL	\$50-450

Premium Deposit Schedule

<i>*Billed over 12 month period*</i>	
Electric	\$100
Water	\$10
Sewer	\$10
Irrigation (if applicable)	\$10

PLUS

The deposit shall only be refunded, net of any outstanding bill, at the time of account closing.

- D. High Risk Deposit:** Customer must provide at time of establishing service: valid photo ID and deposit (listed below); the customer declines to provide proof of social security number.

Deposit Schedule

Electric	\$800
Water	\$120
Sewer	\$120
Irrigation (if applicable)	\$120
TOTAL	\$120-1160

Participation in Bank Draft and/or Budget Bill will not have any impact on the deposit schedule for customers in the High Risk category.

The deposit shall only be refunded, net of any outstanding bill, at the time of account closing.

I, _____, **have read the above information and elect deposit option** _____.
Customer's Printed Name

I understand that I may be required to pay an additional higher deposit, establish a new deposit, or reestablish a deposit after my original deposit has been refunded if any or all of the following conditions apply to my account: disconnection for nonpayment, failure to honor payment arrangement, returned checks/drafts, meter tampering, and/or falsification of information provided on service application. Under these terms, the deposit must be paid immediately or immediate disconnection may occur.

 Customer's Signature

 Service Address

 Town of Clayton Witness' Signature

 Date



Town of Clayton Utility Service Application

Rental Agreement	_____
Landlord?	_____
SS# Verification	_____
DL# Verification	_____
Deposit Paid	_____
Work Orders	_____
Entered (date/initials)	_____

Name of Customer: _____

Service Address: _____

Mailing Address: _____

Leasing ____ Purchasing ____ email: _____

Social Security Number: _____ Driver's License #: _____

Phone # (home): _____ (alternate): _____

Date of Birth: _____ Number of occupants _____

Employer: _____

Employer's Address: _____

Co-Applicant: _____

Address: _____

Social Security Number: _____ Driver's License # _____

Date of Birth: _____

Date service to be activated: _____

Have you or any other occupant at this address ever had a utility account with the Town?

Yes, please state address: _____

No, please initial: _____

Who was your previous utility provider? _____

Did you leave owing a balance to this utility provider and if so, how much? _____

I certify that I am eighteen years of age or older, that the above information is accurate, and that I will be responsible for payment of the entire bill upon termination of service. Additionally, if the Town determines that I or any other occupant at this address owes past due balances to the Town, I will be responsible for payment of those balances and any associated fees. I have had an opportunity to review a copy of the Town's cut-off policy and am subject to the Town's Utility Policy as currently in effect. The account is subject to immediate disconnection without notice if the deposit and connect fee is returned for insufficient funds or if the Town discovers delinquent past due balances from prior accounts.

Signature

Date

Signature

Date

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6b

Meeting Date: 5/07/12

TITLE: AMENDED RULES FOR THE USE OF HORNE SQUARE.

DESCRIPTION: Attached.

At the April 16, 2012, work session, Council requested the number of times Horne Square could be closed from four to six times per year.

RELATED GOAL: Think Downtown

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Presentation.	2002 adopted policy for Municipal lot & proposed Policy for Horne Square (formerly known as Municipal lot).
5-07-12	Discussion.	Proposed policy for Horne Square (formerly Known as Municipal Lot).

**Town of Clayton
Special Event
Application for Use of Horne Square**

The following application may be submitted by eligible non-profit, civic, or other community organizations for use of Horne Square at Main Street and Lombard Street.

Name of Organization: _____

Address of Organization: _____

Contact Person: _____

Position: _____ Phone: (Day) _____

(Night) _____

Contact Person Address: _____

Purpose/Description of Event: (An attachment may be used. Include information describing the intended purpose, the likely number of participants, description of any structures, equipment, or machinery to be used in relation to the event, dates and duration of event, any security measures to be taken, crowd control, sound amplification, etc. Also, a site plan should be attached to the application showing the layout and amount of area devoted to the event.)

The undersigned represents him/herself as the authorized representative of the above named organization with regards to the conduct of the requested special event. The above named organization agrees to provide adequate proof of liability insurance coverage and to hold harmless the Town of Clayton for any acts, accidents, or claims made in relation to the event or use of the site during or in relation to holding of the event. I further acknowledge I have received a copy of the Rules of use and accept the terms stated therein as a condition of use of the property. Use of the property is at the sole discretion of the Town of Clayton.

Authorized Representative

Printed Name

Date

**Town of Clayton
Horne Square
Rules of Use**

Purpose: The purpose of this policy is to establish guidelines under which other than municipal use may be made of the Town property, also known as Horne Square, located on Main Street at its intersection with Lombard Street. Horne Square is a public space that may be used to help further the vision of downtown Clayton as the ‘social and cultural hub of Clayton.’

- 1. Established non-profit, civic, and similar organizations may, from time to time, make use of “Horne Square” as approved by the Town of Clayton in compliance with these guidelines.**
- 2. Eligible public uses of Horne Square include cultural, arts-related, educational and other non-commercial uses. Ineligible uses include, but are not limited to yard-sales, private or ticketed events.**
- 3. At least thirty (30) days in advance of any planned event the proposed user shall make application to the Town Manager for use of Horne Square. The application shall include the following information:**
 - The name of the organization and sufficient supplemental information as necessary to document the organization’s standing for use of the property in accordance with this policy.**
 - The name and contact information of the individual who will be responsible for conducting the proposed event.**
 - A description of the event to include purpose, likely number of participants, description of temporary structures proposed for use during the event, the date, time, and duration of the event, reference to security or crowd control measures necessary for proper conduct of the event, other information determined by the Town Manager to be necessary in evaluating the application.**
 - A site plan.**
 - Proof of sufficient, valid liability insurance.**
 - A statement and agreement of indemnification of the Town of Clayton in relation to activities and events held in connection with the special event.**
- 4. The property shall not be used for commercial or “for profit” purposes except as a fundraiser in support of an established non-profit organization and as approved by the Town of Clayton.**
- 5. No organization may use the property more than two (2) times per calendar year.**
- 6. The parking lot shall not be closed to public use more than 6 times per year.**

7. The Town of Clayton may refuse use of the property to any group that it deems as failing to meet the criteria or purposes stated herein, at its sole discretion.
8. All users shall leave the property in a clean and safe condition restored to the state and condition which existed prior to their use.
9. A cleaning and damage deposit of \$250* shall be posted with the Town to ensure the property is left in a condition that is without damage to infrastructure, fixtures, landscaping and art. The deposit shall be forfeited if the property is not left in an acceptable condition and the user shall be prohibited from using the property for future events. **If the deposit check is found to have insufficient funds, the agreement to use the property is void.*
10. The primary purpose of Horne Square is to provide parking for visitors to Downtown Clayton. Whenever possible, use of the property for special events shall be located on the property so as to accommodate its primary purpose as a public parking lot.
11. All activities located thereon must be planned and conducted in a safe, healthy, and orderly fashion. The Town of Clayton reserves the right to immediately cancel, without compensation or other consideration, any event not conducted in a safe, healthy and orderly fashion.

Amended this ____ day of _____, 2012 while in regular session.

Jody McLeod
Mayor

Attest:

Sherry Scoggins
Town Clerk

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6c

Meeting Date: 5/07/12

TITLE: DISCUSSION OF REVISED LETTER OF AGREEMENT FOR MITCHINER HILLS SUBDIVISION [TRACKING PURPOSES ONLY].

DESCRIPTION: Attached.

At its April 16, 2012, work session, it was the consensus of the Council that the revised agreement would be reviewed prior to action. At the time of agenda preparation, the developer is/was reviewing the agenda. After the developer review, it will be forward to the Town Attorney for drafting.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-16-12	Discussion.	Excerpt of 1/3/2011 Council Minutes, Copy of letter of Agreement, and email From developer.
5-07-12	N/A	TRACKING.

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 8a

Meeting Date: 5/07/12

TITLE: TOWN MANAGER.

DESCRIPTION: Noise ordinance – comparison to other municipalities.

At its April 2, 2012, regular meeting, Council requested staff provide information on noise ordinances used by other municipalities.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-07-12	Discussion.	N/A.

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 8c

Meeting Date: 5/07/12

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Clayton Derby Day – Saturday, May 5, 2012 from 2 PM to 7 PM at Portofino on NC 42 HWY East at Motorcycle Road
- Council Mtg – Monday, May 7, 2012 @ 7:30 PM
- 29th Annual Clayton Road Race – Saturday, May 12, 2012 at 9 AM at the Clayton Center
- Clayton Chamber of Commerce 2012 Clayton Business & Community Expo – Tuesday, May 15, 2012, from 3 PM to 7 PM, at the Clayton Center
- Ethics Live Webinar for Elected Officials – Wednesday, May 16, 2012 from 10 AM to 12 Noon, Clayton Center
- Board of Adjustment Mtg – Wednesday, May 16, 2012 @ 6 PM
- Town Square Concert Series: MikeMixEr (Zydeco/High Energy) – Thursday, May 17, 2012, from 7 PM to 9 PM
- Senior Day – Friday, May 18, 2012 from 11 AM to 1 PM at the Clayton Center
- Council Mtg – Monday, May 21, 2012 @ 6:30 PM
- Memorial Day Holiday – Monday, May 28, 2012
- Planning Board Mtg – **TUESDAY**, May 29, 2012 @ 7 PM
- Millstock Arts & Musical Festival – Saturday, June 2, 2012, at Horne Square
- Council Mtg – Monday, June 4, 2012 @ 6:30 PM
- Town Hall Day – Wednesday, June 6, 2012
- Council Mtg – Monday, June 18, 2012 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, June 20, 2012 @ 6 PM
- Town Square Concert Series: Castaways (Beach) – Thursday, June 21, 2012, from 7 PM to 9 PM
- Planning Board Mtg – Monday, June 25, 2012 @ 7 PM
- Independence Day Holiday – Wednesday, July 4, 2012
- Council Mtg – Monday, July 16, 2012 @ 6:30 PM
- Town Square Concert Series: All My Rowdy Friends (country/Hank Jr tribute) – Thursday, July 19, 2012, from 7 PM to 9 PM
- ElectriCities Annual Conference – August 9-11, 2012
- Town Square Concert Series: Suicide Blonde (80's cover) – Thursday, August 16, 2012, from 7 PM to 9 PM
- Town Square Concert Series: Nantucket (rock) – Saturday, September 15, 2012, from 7 PM to 9 PM
- NCLM Annual Conference hosted in Charlotte – October 21-23, 2012

Date:
5-07-12

Action:
N/A.

Info. Provided:
Calendar of Events.