

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

DECEMBER 02, 2013

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. SCOGGINS, TOWN CLERK
BRUCE THOMPSON II, TOWN ATTORNEY

**AGENDA
REGULAR / ORGANIZATIONAL MEETING
OF THE CLAYTON TOWN COUNCIL**

**MONDAY, DECEMBER 2, 2013
6:30 PM**

**THE CLAYTON CENTER
COUNCIL CHAMBERS**

1. **CALL TO ORDER**
Honor Guard – Posting of Colors by Town of Clayton Fire Department
Pledge of Allegiance & Invocation – Mayor Jody L. McLeod
2. **ADJUSTMENT OF THE AGENDA**
3. **ACTION AGENDA**
 - a. Draft minutes of the November 18, 2013, work session meeting.
 - b. Youth Art Month Proclamation – January 2014.
 - c. Temporary street closure request by First Baptist Church:
December 19 & 20, 2013 from 6 PM to 8 PM.
 - d. Budget ordinance amendment to reflect the appropriation of fund balance to purchase equipment for the police investigations with the proceeds from unauthorized substance tax distribution (USTD) from the State that were received in prior years.
 - e. Appointments to Town of Clayton advisory boards or committees [A listing of the appointments is available in the agenda packet on the cover page for this item].
 - f. Warranty acceptance for public water, sewer, and storm drainage utilities for Riverwood Athletic Club Phases 6A-1, 6B, 6C, and 6E.
4. **ORGANIZATIONAL MEETING**
 - a. Administration of oaths of office to the newly elected Clayton Town Council members by Mr. Will Crocker, Clerk of Superior Court to:
 - Michael Grannis as Councilman
 - Art Holder as Councilman
 - b. Comments from the newly sworn elected officials:
 - Councilman Michael Grannis
 - Councilman Art Holder
5. **RECESS FOR RECEPTION – Everyone is invited to the reception.**
6. **MAYOR PRO TEM SELECTION AND COUNCIL LIAISON APPOINTMENTS**
 - a. Nomination and selection of Mayor Pro Tem.
 - b. Distribution of Council liaison and committee assignments: Mayor McLeod.
7. **INTRODUCTIONS & SPECIAL PRESENTATIONS**

8. **PUBLIC HEARINGS**
 - a. Public hearing for planned development district request PDD 2013-68 for project known as The Promenade located on north side of US 70 Business HWY and Shotwell Road.
 - b. Public hearing for text amendments to the Town Code of Ordinances Chapter 155 for the following sections: 310, 700, 701, 702, 716, 717, and 720.

9. **OLD BUSINESS**
 - a. Recommendation for the proposed donation of tracts of Cobblestone Subdivision.

10. **NEW BUSINESS**
 - a. Discussion of scheduling and logistics for the 2013-2014 Council Retreat.
 - b. Resolution authorizing the sale of certain personal property at public auction.

11. **STAFF REPORTS**
 - a. Town Manager
 - b. Town Attorney
 - c. Town Clerk
 - Ethics Training opportunities for “newly” elected officials
 - Calendar of Events
 - d. Other Staff

12. **OTHER BUSINESS**
 - a. Informal Discussion & Public Comment
 - b. Council Comments.

13. **ADJOURNMENT**

Slated for the December 16, 2013, work session meeting:

- Evidentiary hearing for special use permit application SUP 2013-71 for LionsGate; continued from November 4, 2013, Council meeting; continued from the November 18, 2013, Council meeting.
- Evidentiary hearing for subdivision application SUB (PSD) 2013-56 for LionsGate, Phase 3A and 3G; continued from November 4, 2013, Council meeting; continued from the November 18, 2013, Council meeting.
- Evidentiary hearing for subdivision application SUB (PSD) 2013-57 for LionsGate, Phase 6A and 6B; continued from November 4, 2013, Council meeting; continued from the November 18, 2013, Council meeting.
- Discussion of utility development agreement with Grifols Biopharmaceuticals [presented at the November 18, 2013].

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

Agenda Item: 3a

Meeting Date: 12/02/13

TITLE: DRAFT MINUTES OF THE NOVEMBER 18, 2013, WORK SESSION MEETING.

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

12-02-13

Adoption.

**DRAFT minutes of the
11/18/13 meeting.**

**MINUTES
CLAYTON TOWN COUNCIL
NOVEMBER 18, 2013**

The second regular meeting of the Clayton Town Council for the month of November was held on Monday, November 18, 2013, at 6:30 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; Bruce Thompson, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Tim Simpson, Public Works & Utilities Director; Robert McKie, Finance Director; Larry Bailey, Parks & Recreation Director; Christie Starns, Library Director; Bruce Naegelen, Downtown Development Coordinator; Stacy Beard, Public Information Officer; Tommy Roy, Information Services Technician

ITEM 1. CALL TO ORDER

Mayor Jody McLeod called the meeting to order at 6:34 PM. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

The following adjustments of the agenda were requested:

- Items 8a, 8b, and 8c: These items were tabled at the November 4, 2013, Council meeting to the November 18, 2013, Council meeting. The evaluation of the design and conditional buffer has not yet been finalized. The request is to call the public hearing and then continue these items to the December 16, 2013, Council meeting.

It was the consensus of the Council to proceed with the agenda as adjusted.

ITEM 3. ACTION AGENDA

Councilman Holder motioned to approve the action agenda as presented; Councilman Lawter seconded the motion. The motion carried unanimously with the following action agenda items approved at 6:36 PM:

- Item 3a. Draft minutes from the November 4, 2013, regular meeting.
- Item 3b. Public notice for the following items slated for Clayton Town Council consideration at its December 2, 2013, Council meeting:

- Public hearing for planned development district request PDD 2013-68 for The Promenade located on US 70 Business HWY near Shotwell Road.
- Public hearing for text amendments to the Town Code of Ordinances Chapter 155 for the following sections: 310, 700, 701, 702, 716, 717, and 720.

ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS

Item 4a. Introduction of new Town of Clayton employee(s).

The following new Town of Clayton employees were introduced:

- Sherry Edwards, Engineering Technician

Item 4b. Special recognition of long-term serving volunteers.

Councilman Butch Lawter and Parks & Recreation Director Larry Bailey recognized Mr. Stan Morgan who has volunteered in numerous coaching capacities with the recreation department since 1994. They presented a memento of appreciation to Mr. Morgan.

Item 4c. Presentation of Youth Art Month Proclamation.

Ms. Brenda Gay of the Art Department of the Woman's Club of Clayton requested the month of January 2014 be recognized as "Youth Art Month." She requested Mayor McLeod present awards to the students on Thursday, January 9, 2014. She added that the Council is invited to attend. She provided an overview of the activities; herewith attached and incorporated into the record.

It was the consensus of the council to place on the December 2, 2013, consent agenda.

Item 4d. Presentation of temporary street closure request by First Baptist Church.

Downtown Development Coordinator Bruce Naegelen provided the following PowerPoint presentation overview of the temporary street closure request submitted by Clayton First Baptist Church; herewith attached:

- Annual live nativity to be held December 19 and 20 from 6 PM to 8PM
- Located on the grassy lot across from Clayton First Baptist Church
- Public Works will provide barricades for the temporary closure of North Fayetteville Street between West Whitaker and West Hinton and signage for one-way traffic on Hinton Street during the event

It was the consensus of the council to place on the December 2, 2013, consent agenda.

ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

- Item 5a. Presentation of planned development district request PDD 2013-68 for project known as The Promenade located on north side of US 70 Business HWY and Shotwell Road.**

Planning Director David DeYoung made the following PowerPoint presentation overview of planned development district request PDD 2013-68, herewith attached:

- **Part of a larger planned development that was reviewed by Council in 2008**
- **Request rezoning from planned development district commercial to planned development district residential**
- **Request approval of a master plan**
- **Applicant is Caviness and Cates**
- **Owner is Walthom Group**
- **Acreage of site is 22.46 acres**
- **Site is currently vacant and the applicant is proposing residential apartments**
- **Details of the master plan include a regulating plan that includes the site details for the project to be finalized with the site plan:**
 - **288 apartment units**
 - **13 units per acre**
 - **Comparison – Amelia Station Apartments is 14 units per acre**
 - **30 foot building set back on the north and east property lines**
 - **50 foot building set back on the south and west property lines**
 - **Maximum height of building is 44 feet**
 - **Minimum dwelling size is 800 square feet**
 - **Site design is for a gated apartment community with internal pedestrian circulation and exterior circulation and surrounding uses**
 - **Entry features at both entrances: guard house and landscape feature that comes into the club house**
 - **Class C around the entire perimeter**
 - **Most restrictive buffer and includes a berm and fencing**
 - **Private recreation amenities**
 - **Two access points:**
 - **US 70 Business West: right in, right out only**
 - **Shotwell Road: full directional**
 - **Traffic Impact Analysis (TIA) completed and it was reviewed by NCDOT**
 - **Based on conversations at the Planning Board, the staff requested it be peer reviewed and it is being performed by Kimley-Horne and Associates with a response anticipated this Friday**
- **The dashed line going through the apartments is the 100 year flood plain and a request to modify the flood plain to the State is forthcoming**
- **Cross access connection through the triangular piece of property adjacent to the Bojangles for future development**

- Signage will be at each entrance
 - Shotwell Road entrance will have the guard house
- Recreational facility will be located at the US 70 Business HWY access with a pool, club house, and grilling area
- Generally consistent with the Town's Strategic Growth Plan in terms of balanced development
- It is not consistent with the Town's proposed Land Use Map
 - Land Use Map shows this area as commercial
- Compatible with surrounding land use with the buffer
- Neighborhood meeting held on October 16, 2013
- Staff and Planning Board recommendations include approval of the rezoning request and approval of the master plan subject to conditions within the staff report

Based upon question by Council, Planning Director DeYoung stated the recreation and open space meets the Town's minimum requirements.

Based upon question by Council, Planning Director DeYoung stated for the TIA the grade for the intersection of US 70 and Shotwell by NCDOT is a grade D and E depending on whether it is AM or PM peak. He stated the TIA does not show the project decreasing the grade beyond existing levels.

Based upon question by Council, Planning Director DeYoung stated the thoroughfare road proposal from the 2008 presentation has not been considered for this proposal. He stated that proposal originally had a Ring Road that came off of Shotwell and went behind the entire development and connected with US 70 from this site. He stated when Pine Hollow Commons was approved, it nixed this previous proposal. He stated he is not aware of discussions among the property owners to revive Ring Road.

Based upon question by Council, Planning Director DeYoung stated there will be a guard house on Shotwell Road. He stated both entrances are gated. He stated the stacking is 100 or 150 feet.

Based upon question by Council, Planning Director DeYoung stated the storm water meets the Phase Two requirements and goes through a review by Johnston County. He stated he is not aware of how far the applicant is in that process.

Based upon question by Council, Planning Director DeYoung stated Kimley-Horne is slated to have the review of the TIA completed by the end of this week.

Mayor Pro Tem Grannis stated he would like a copy of the Kimley-Horne review.

Mayor McLeod stated from the copy, it is difficult to tell what the elements are for the gate house and the apartments.

Planning Director DeYoung stated he will request detailed renderings for those features.

Based upon question by Council, Planning Director DeYoung stated the function of the club house is best addressed by the applicant.

Councilman Lawter stated he would like traffic projections for morning traffic going to Raleigh and evening traffic from Raleigh making the left turn onto Shotwell Road.

This item is slated for public hearing at the December 2, 2013, Council meeting.

Item 5b. Presentation of text amendments to the Town Code of Ordinances Chapter 155 for the following sections: 310, 700, 701, 702, 716, 717, and 720.

Planning Director David DeYoung made the following PowerPoint presentation overview of the text amendments to the Town Code of Ordinances Chapter 155 for the following sections: 310, 700, 701, 702, 716, 717, and 720; herewith attached:

- Section 310 is a complete replacement of the current regulations. He stated the purpose of the update is to comply with new federal laws for telecommunication facilities. He stated the revision includes a provision for the abandonment of a tower, new criteria for collocations, a tower request cannot be denied if it meets the minimum criteria, and the process of review must be completed within 45 days.
- Sections 700 through 702 relate to review bodies and procedures. Revisions include the new minor site plan process and clarification of the meeting and notice requirements.
- Section 716 pertains to variances. Revisions incorporate changes in the NC General Statutes and the criteria were reduced from eight criteria to four criteria.
- Section 717 pertains to administrative appeals. Revisions incorporate changes in the NC General Statutes. The appeal deadline was revised to reflect receipt by the Town Clerk and the vote changed from super majority vote to majority vote. The Town Attorney requested the revision incorporate the posting of the property and define the 30 day appeal period.
- Section 720 pertains to enforcement. Revisions were made to clarify between a civil penalty and general penalty.

This item is slated for public hearing at the December 2, 2013, Council meeting.

Item 5c. Presentation of proposed donation tracts of Cobblestone Subdivision.

Town Manager Steve Biggs stated the developer has examined the tract and there are portions that lend to being put aside for donation to the Town and work well for the Town for greenway development. He stated the donation would be in the form of a conservation easement. He stated this evening is to introduce the item and display the area. He stated the conservation easement does require certain covenants be attached to it. He stated the covenants were received today. He stated the request is for staff to prepare a donation of the easement after review of the covenants. He stated the proposed area for donation is along the Little Creek area which is included in the Town's long-range greenway development plans.

Based upon question by Council, Town Manager Biggs stated the covenants were received today and can be sent to the Council for review. He stated he is comfortable the recommendation can be presented at the December 2, 2013, Council meeting.

Town Manager Biggs stated a next phase of the Connector Pedestrian Project would be to connect along this area. He stated this would create connection from the Cobblestone area to the Community Center Connector.

Item 5d. Presentation of budget ordinance amendment to reflect the appropriation of fund balance to purchase equipment for the police investigations with the proceeds from unauthorized substance tax distribution (USTD) from the State that were received in prior years.

Finance Director Robert McKie provided an overview of the budget ordinance amendment.

It was the consensus of the Town Council to place this item on the December 2, 2013, consent agenda.

Item 5e. Presentation of applications from citizens requesting consideration to serve on Town of Clayton advisory boards or committees.

It was the consensus of the Town Council to place this item on the December 2, 2013, consent agenda.

Item 5f. Presentation of resolution to Ed Johnson for his service to North Carolina Capital Area Metropolitan Planning Organization (CAMPO).

It was the consensus of the Town Council to place this item on the December 2, 2013, consent agenda.

Action was taken on this item under Item 5g.

Item 5g. Presentation of proclamation – Shop Local / Small Business Saturday.

Downtown Development Coordinator Bruce Naegelen provided a PowerPoint presentation on the “Shop Local / Small Business Saturday” request; herewith attached and incorporated into the record. He stated the Downtown Development Association and the Shop Local Campaign is working together to promote Saturday, November 30 as Small Business Saturday. He stated consideration of the proclamation is requested.

Mayor Pro Tem Grannis motioned to suspend the rules in order to take action on this item and any other items this evening. Councilman Satterfield seconded the motion. Motion carried unanimously at 7:17 PM.

Mayor Pro Tem Grannis requested the Council reconsider Item 5f. He stated he has a CAMPO meeting on Wednesday and he would appreciate carrying that resolution with him to the meeting as well as take action on the proclamation.

Mayor Pro Tem Grannis motioned to approve the resolution to Ed Johnson for his service to CAMPO and to approve the proclamation “Shop Local / Small Business Saturday.” Councilman Holder and Councilman Thompson simultaneously seconded the motion. Motion carried unanimously at 7:19 PM.

Item 5h. Presentation of warranty acceptance for public water, sewer, and storm drainage utilities for Riverwood Athletic Club Phases 6A-1, 6B, 6C, and 6E.

It was the consensus of the Town Council to place this item on the December 2, 2013, consent agenda.

ITEM 6. ITEMS CONTINGENT FOR THE REGULAR MEETING

No items contingent for the regular meeting were presented to the Council.

ITEM 7. ITEMS FOR DISCUSSION

Item 7a. Discussion of utility development agreement with Grifols Biopharmaceuticals.

Town Manager Steve Biggs stated for the past couple of years, the Town and Grifols have been in discussions about Grifols continued investment and expansion in Clayton. He stated this is primarily relates to water and sewer service. He stated before the Council are outlines of the scope of the proposed agreements. He stated the final draft of the agreement is slated for the December 16 work session agenda.

ITEM 8. OLD BUSINESS

Item 8a. Evidentiary hearing for special use permit application SUP 2013-71 for LionsGate; continued from November 4, 2013, Council meeting.

Planning Director David DeYoung stated the request is to continue this item to the December 16, 2013, Council meeting.

Mayor McLeod questioned if there was anyone who wanted to speak on this item. No one came forward.

This item is continued to the December 16, 2013, Council meeting.

Item 8b. Evidentiary hearing for subdivision application SUB (PSD) 2013-56 for LionsGate, Phase 3A and 3G; continued from November 4, 2013, Council meeting.

Planning Director David DeYoung stated the request is to continue this item to the December 16, 2013, Council meeting.

Mayor McLeod questioned if there was anyone who wanted to speak on this item. No one came forward.

This item is continued to the December 16, 2013, Council meeting.

Item 8c. Evidentiary hearing for subdivision application SUB (PSD) 2013-57 for LionsGate, Phase 6A and 6B; continued from November 4, 2013, Council meeting.

Planning Director David DeYoung stated the request is to continue this item to the December 16, 2013, Council meeting.

Mayor McLeod questioned if there was anyone who wanted to speak on this item. No one came forward.

This item is continued to the December 16, 2013, Council meeting.

ITEM 9. STAFF REPORTS

Item 9a. Town Manager

Town Manager Steve Biggs stated no additional report.

Item 9b. Town Attorney

Town Attorney Bruce Thompson stated no additional report.

Item 9c. Town Clerk

Town Clerk Scoggins stated no additional report.

Item 9d. Other Staff

Other staff did not have a report.

ITEM 10 OTHER BUSINESS

Item 10a. Informal Discussion & Public Comment.

No informal discussion and public comment were presented to Council.

Item 10b. Council Comments.

Mayor Pro Tem Michael Grannis acknowledged the candidates of the 2013 municipal election campaign. He stated he hopes they continue to come to the Chambers.

Mayor Pro Tem Grannis stated today he had the opportunity to tour the Bayer Crop Science and Environmental Facility while attending the Bee Research Facility Ribbon Cutting Ceremony. He stated the research has global implications. He stated a worker bee has a six week life cycle and only produces 1/12 of a teaspoon of honey. He stated there is a bacterial danger to honey bees that is carried by mites. He stated there is also a nine-hole golf course on the site to evaluate the different types of grass for golf courses. He stated four of the holes are approved by the US Golf Association. He stated the reason for the approval is that is where the research goes that the USGA requires for golf courses throughout the United States of America.

Councilman Lawter stated there was Council discussion about Neuse River buffers. He stated it is his understanding the Town ordinance is stricter than the State. He stated he would like to know what can be done to lighten the burden for the developers and be in compliance with the State.

Councilman Lawter questioned if the warranty acceptances have to be approved by Council.

Town Manager Biggs stated it has served the Town well when challenged.

Mayor McLeod stated he echoes what Mayor Pro Tem Grannis shared with the candidates. He stated he appreciates the candidates attending.

Mayor McLeod stated he was unavailable for the Long Term Service Recognition this morning and he stated a lot of great people stepped up to take care of it and he stated his thanks for the team stepping up.

Mayor McLeod stated Councilman Satterfield was sworn in this evening for his next term because he will not be able to attend the December 2 Council meeting.

Councilman Satterfield stated he is looking forward to the next four years.

ITEM 11. ADJOURNMENT

With there being no further business brought before the Council, Councilman Satterfield motioned to adjourn. Councilman Thompson seconded the motion. Motion carried unanimously at 7:30 PM.

Duly adopted by the Clayton Town Council this _____ day of December 2013, 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: 12/02/13

TITLE: PRESENTATION OF YOUTH ART MONTH PROCLAMATION.

DESCRIPTION: A representative of the Woman’s Club of Clayton will present a request to proclaim January 2014 as Youth Art Month and provide an overview of the activities available for the youth of Clayton.

At its November 18, 2013, 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>
11-18-13	Presentation.	Proclamation.
12-02-13	Approval.	Proclamation.

TOWN OF CLAYTON PROCLAMATION YOUTH ART MONTH

WHEREAS, the arts, in its many forms, constitute an important part of the community and contribute to the development of our youth; and,

WHEREAS, participation in and enjoyment of the arts can take many forms, including the visual arts, fine arts and performing arts; and,

WHEREAS, the Woman's Club of Clayton has sought to promote the involvement of our youth in various art projects to the betterment of their minds and the community as a whole.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that the month of January each year, be recognized as:

YOUTH ART MONTH

Let it also be proclaimed that all businesses, industries and citizens in the Clayton community are urged to support and encourage the school aged children of Clayton to participate in the arts.

Duly proclaimed by the Clayton Town Council this the 2nd day of December 2013, while in regular session.

Jody L. McLeod
Mayor

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

Agenda Item: 3c

Meeting Date: 12/02/13

TITLE: TEMPORARY STREET CLOSURE REQUEST BY FIRST BAPTIST CHURCH.

DESCRIPTION: Clayton First Baptist Church desires to host a live nativity scene on the grassy lot across from First Baptist Church bordered by Fayetteville Street, North O'Neil Street, and West Hinton Street on December 19, 2013, and December 20, 2013.

The following are requested:

- Temporary closure of Fayetteville Street between West Whitaker Street and West Hinton Street from 6 PM to 8 PM; and
- One-way traffic on West Hinton Street between North O'Neil Street and Fayetteville Streets from 6 PM to 8 PM

At its November 18, 2013, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Expand Leisure Opportunities & Think Downtown

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Staff Report & Map.
12-02-13	Approval.	Staff Report & Map.



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 EVENTS COMMITTEE REPORT

Application Number: 2013-1840
Event Name: Live Nativity Scene – First Baptist Church
Event Date(s): December 19-20, 2013
Time: 6:00 pm – 8:00 pm
Location: 411 N Fayetteville St

Downtown/Town Limits/ETJ: Town Limits

Applicant: Clayton First Baptist Church
411 N Fayetteville St. Clayton, NC 27520

Contact: Rev. Phyllis Crane, pcrane@fbcclaytonnc.org
(919) 553-4161(church)

Committee Meeting: October 31, 2013

Attendance: Steve Biggs, Town Manager; Dave DeYoung, Planning Director; Tony Atkinson, Fire Marshall; Dale Medlin, Electric Department Director; Kenneth Lunger/Andy Jernigan, PD; Steve Blasko, Public Works; Stacy Beard, Public Information Officer; Christie Starnes, Librarian; Dede Bumgarner, Zoning Compliance Officer; Martha Vandergriff, The Clayton Center; Bruce Naegelen, Downtown Development Coordinator

Guests: Hanna Pellas, Clayton Chamber of Commerce

EVENT LOCATION: Grassy Lot across from First Baptist Church bordered by Fayetteville, O’Neil and W Hinton streets

EVENT DESCRIPTION:

- Live Nativity scene
- Church members
- Live animals
- Stable and manger

Estimated Attendees per day: 75 people per hour

SERVICES REQUESTED:

- Closure of N Fayetteville Street between W Whitaker and W Hinton from 6 pm to 8 pm
 - One-way traffic on W Hinton between N O’Neil and Fayetteville streets from 6 pm to 8 pm
-

COMMITTEE DISCUSSION:

1. Vendors - no
2. Tents – no
3. Security & Fire Protection – n/a
4. Crowd Control – n/a
5. Health & Sanitation – n/a
6. Medical – first aid kit
7. Traffic Control – event is designed for people to drive by the Nativity
8. Temporary Lighting/Electrical Service – n/a
9. Communications – organizers contact info are on this report
10. Clean-up & Waste Disposal – n/a
11. Noise Control – n/a
12. Owners Consent – organizer owns property
13. Insurance – n/a
14. Temporary Signage – n/a
15. Permits – any additional permits will be filed with Planning Department

COMMITTEE CONDITIONS:

-

COMMITTEE ACTIONS

- Committee recommends: APPROVAL
- Staff will schedule Town Council Presentation: November 18, 2013
- Special Event Permit will be issued upon: Council approval
- **PUBLIC WORKS will:**
 - Provide road closure barricades at Fayetteville & Hinton and Fayetteville & Whitaker
 - Provide One-way signs for Hinton Street from O'Neil St to Fayetteville St.
- **POLICE DEPARTMENT will:**
 - Place barricades and One-Way signs and remove from position at open and close

TOWN COUNCIL CONSIDERATIONS

- Council is requested to consider the following request during the November 18 Council meeting:
 - Closure of N Fayetteville Street between W Whitaker and W Hinton on December 19 & 20, 2013 from 6 pm to 8 pm
 - One-way traffic on W Hinton between N O'Neil and Fayetteville streets on December 19 & 20, 2013 from 6 pm to 8 pm
- This is the first year the organizer has gone through the Special Event Permit process.
- In future years, the application will be submitted in time for the regular approval processes.
- **COUNCIL ACTION:**

DOCUMENTATION RECEIVED:

- Special Event Application
- Site plan –

POST EVENT REVIEW:(January 30, 2014)

*** DISCLAIMER ***

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



Scale 1 inch = 87 feet

(The scale is only accurate when printed landscape on a 8.5x11in size sheet with no page scaling.)

Date October 31, 2013

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

Agenda Item: 3d

Meeting Date: 12/02/13

TITLE: BUDGET ORDINANCE AMENDMENT TO REFLECT THE APPROPRIATION OF FUND BALANCE TO PURCHASE EQUIPMENT FOR TE POLICE INVESTIGATIONS WITH THE PROCEEDS FROM UNAUTHORIZED SUBSTANCE TAX DISTRIBUTION (USTD) FROM THE STATED THAT WERE RECEIVED IN PRIOR (FISCAL) YEARS.

DESCRIPTION: Attached.

At its November 18, 2013, 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>
11-18-13	Presentation.	Budget ordinance.
12-02-13	Approval.	Budget ordinance.

Town of Clayton Ordinance Amendment to the FY 13-14 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 13-14 Budget:

Fund: General Fund

Line Item	Previous Appropriation	Adjustment	Revised Appropriation
Expenditures			
100-50-00-55 06	Drug Seizure Funds – State \$0	+2,519	\$2,519
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$1,261,234	+2,519	\$1,263,753

-Explanation: Amendment necessary to reflect the appropriation of Fund Balance to purchase equipment for police investigations with the proceeds from unauthorized substance tax distributions (USTD) from the State, which were received in prior years. The General Statutes (G.S. 105-113.113) mandates the Department of Revenue to distribute 75% of the USTD funds to the local law enforcement agency that conducted the investigation of a dealer that led to the assessment. The State establishes a special nonreverting account for the USTD funds. The USTD funds are intended to directly enhance the law enforcement activities of the Clayton Police Department.

Duly adopted by the Clayton Town Council this 2nd day of December 2013, while in regular session.

Jody L. McLeod
Mayor

Attest:

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 3e **Meeting Date:** 12/02/13
TITLE: APPOINTMENTS TO SERVE ON TOWN OF CLAYTON ADVISORY BOARD AND COMMITTEES.

DESCRIPTION: The Town of Clayton has seven advisory boards & committees. Each of these boards provides a valuable service to the Town Council through review of programs and requests with recommendations to the Town Council for its consideration. With the approved slate of applicants, the Public Art Advisory Board will have two vacancies with terms expiring 12/31/2015 and one vacancy with a term expiring 12/31/2014.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Memo & Applications.
12-02-13	Approval.	Memo & Table:

Board / Committee	Appointee	Residency	Term
Board of Adjustment	Johnny R. House	ETJ*	12/31/2016
Board of Adjustment	Stephen (Tom) Medlin	In-Town	12/31/2016
Board of Adjustment	Mark Helmer	In-Town	12/31/2016
Downtown Development Assoc	Donna Steele	In-Town	12/31/2016
Downtown Development Assoc	James Lipscomb	ETJ	12/31/2016
Downtown Development Assoc	Jessica Lloyd	In-Town	12/31/2016
Downtown Development Assoc	Paul Black	Out of Town	12/31/2016
Fire Advisory Board	Larry Such	ETJ (Fire)	12/31/2016
Fire Advisory Board	Jim D. McLaurin	Claytex Fire District	12/31/2014
Library Board	Dorothy Johnson	In-Town	12/31/2016
Library Board	Emily Bagley	In-Town	12/31/2016
Library Board	Daphne Key, Ph.D.	In-Town	12/31/2016
Planning Board	Ronald Johnson	In-Town	12/31/2016
Planning Board	Jim Lee	ETJ*	12/31/2016
Planning Board	Jean M. Sandaire	In-Town	12/31/2016
Planning Board	James H. Lipscomb	ETJ*	12/31/2016
Public Art Advisory Board	Suzette Rodriguez	Out-of-Town	12/31/2016
Public Art Advisory Board	Elizabeth McLaurin	In-Town	12/31/2015
Public Art Advisory Board	Kathleen Nobles	In-Town	12/31/2016
Public Art Advisory Board	Jane Roberts	In-Town	12/31/2016
Recreation Advisory Committee	Theodore Willer Jr	Out-of-Town	12/31/2016
Recreation Advisory Committee	Angela Stroud	In-Town	12/31/2016
Recreation Advisory Committee	Lisa Cotton	Out-of-Town	12/31/2016
Recreation Advisory Committee	Chareen Monk	Out-of-Town	12/31/2015
Recreation Advisory Committee	Rebecca Bradford	Out-of-Town	12/31/2014
Recreation Advisory Committee	Toby Williamson	In-Town	12/31/2016

*ETJ recommendations for the Board of Adjustment and the Planning Board are sent to the Johnston County Board of Commissioners for appointment (NC GS 160A-362).



TO: Town Council

FROM: Amber Bond, Assistant to the Town Clerk

DATE: November 18, 2013

SUBJECT: Applications for Citizen Advisory Boards

Attached are the applications received from citizens requesting consideration to serve on a Town citizen advisory board. The applications have been sorted by board and an overview coversheet of each board precedes the applications.

Applications received by the August 30, 2013, closing were forwarded to the staff liaison and Council ex-officio. For candidates requesting reappointment, the by-laws were checked for eligibility and the staff liaison checked the attendance record. For candidates requesting initial appointment, the staff liaison and Council ex-officio had the option of conducting interviews.

BOARD OF ADJUSTMENT

The Board of Adjustment consists of seven regular members with four members residing in-town and three members residing in the ETJ. The BOA also has two alternate members, one member residing in-town and one member residing in the ETJ.

Presently the Board of Adjustment has two In-Town positions with terms expiring 12/31/2013 and one ETJ position with a term expiring 12/31/2013:

- Johnny R. House– ETJ
- Mark E. Helmer – In-Town
- Stephen (Tom) Medlin – In-Town

Candidate	Initial / Incumbent	In-Town / ETJ	Staff Liaison / Ex-officio Comment
Johnny R. House	Incumbent	ETJ*	Recommended
Mark E. Helmer	Incumbent	In-Town	Recommended
Stephen (Tom) Medlin	Incumbent	In-Town	Recommended
Debra A. Griffiths	Initial appointment	In-Town	Keep on File

If the above slate of candidates is acceptable, the BOA could have full membership.

- * ***ETJ recommendation(s) for the Board of Adjustment and/or the Planning and Zoning Board are sent to the Johnston County Board of Commissioners for appointment (NC GS 160A-362).***

DOWNTOWN DEVELOPMENT ASSOCIATION

The Downtown Development Association (DDA) consists of 11 regular members. Members may be residents of the Town, businesspersons with interests in Downtown Clayton, property owners within the Downtown District of Clayton, or other persons with knowledge or abilities deemed beneficial to the purpose of the Association.

The Downtown Development Association (DDA) has three positions with terms expiring 12/31/2013 and a vacant position with a term expiring 12/31/2013:

- Betsy Grannis (*Ineligible due to term restrictions*)
- Donna Steele
- Deborah Romano (*Wishes not to renew*)
- Vacant (*12/31/2013*)

Candidate	Initial / Incumbent	In-Town / Out-of-Town	Staff Liaison / Ex-officio Comment
Donna Steele	Incumbent	In-Town	Recommended
James Lipscomb	Initial appointment	ETJ*	Recommended
Jessica Lloyd	Initial appointment	In-Town	Recommended
Paul Black	Initial appointment	Out-of-Town	Recommended
Teresa Mathis	Initial appointment	In-Town	Keep on File
Shannon Mann	Initial appointment	ETJ*	Keep on File

If the above slate of candidates is acceptable, the DDA could have a full membership.

FIRE ADVISORY BOARD

The Fire Department Advisory Board consists of seven members. The membership consists of two town residents serving four year staggered terms; two Claytex Tax District residents serving four year staggered terms; and three members of the Fire Department (active) serving three-year staggered terms.

The Fire Advisory Board has one Fire Department position with a term expiring 12/31/2013 and one partial Claytex Fire District position with a term expiring 12/31/2014:

- Larry Such – Fire Department
- Joseph Hester – Claytex Fire District Resident (*Member would like to resign his seat with a term expiring 12/31/2014, but will complete his term through the end of the year.*)

Candidate	Initial / Incumbent	In-Town / ETJ	Staff Liaison / Ex-officio Comment
Larry Such	Incumbent	ETJ*	Recommended
Jim D. McLaurin, Jr.	Initial appointment	ETJ* – Claytex Fire District Resident	Recommended to complete partial position for term thru 12/31/2014

If the above candidates are acceptable, the Fire Advisory Board could have full membership.

LIBRARY BOARD

The Library Board consists of 10 members; five members shall be chosen from within the Town and the others as broadly representative of the service area as possible.

The Library Board has three In-Town positions with terms expiring 12/31/2013:

- Emily Bagley – In-Town
- Dorothy Johnson – In-Town
- Joyce Barbour – In-Town (*Wishes not to renew*)

Candidate	Initial / Incumbent	In-Town / Out-of-Town	Staff Liaison / Ex-officio Comment
Dorothy Johnson	Incumbent	In-Town	Recommended
Emily Bagley	Incumbent	In-Town	Recommended
Daphne Key, Ph.D.	Initial appointment	In-Town	Recommended
Elizabeth McLaurin	Initial appointment	In-Town	Keep on File
Cynthia Shaw	Initial appointment	In-Town	Keep on File

If the above slate of candidates is acceptable, the Library Board could have full membership.

PLANNING BOARD

The Planning Board consists of nine regular members with five members residing in-town and four members residing in the ETJ. The Planning Board also has two alternate members, one member residing in-town and one member residing in the ETJ.

The Planning and Zoning Board has two in-town positions with terms expiring 12/31/2013 and two ETJ positions with terms expiring 12/31/2013.

- Joseph Whitley – ETJ
- Ronald Johnson – In-Town
- Derrick Thompson – In-Town (*Wishes not to renew*)
- Jim Lee- ETJ

Candidate	Initial / Incumbent	In-Town / ETJ	Staff Liaison / Ex-officio Comment
Ronald Johnson	Incumbent	In-Town	Recommended
Jim Lee	Incumbent	ETJ*	Recommended
Jean M. Sandaire	Initial appointment	In-Town	Recommended
James H. Lipscomb	Initial appointment	ETJ*	Recommended
Debra Griffiths	Initial appointment	In-Town	Keep on File
Joseph Whitley	Incumbent	ETJ*	Keep on File
Teresa Mathis	Initial appointment	In-Town	Keep on File
Woodrow Mitchell	Initial appointment	In-Town	Keep on File
Chris Rosenbaum	Initial appointment	In-Town	Keep on File

If the above slate of candidates is acceptable, the Planning and Zoning Board could have full membership.

- * ***ETJ recommendation(s) for the Board of Adjustment and/or the Planning and Zoning Board are sent to the Johnston County Board of Commissioners for appointment (NC GS 160A-362).***

PUBLIC ART ADVISORY BOARD

The Public Art Advisory Board consists of nine members. The membership consists of individuals who have special knowledge, interest or experience in the arts, key business leaders, design professionals, educators, civic and community activists.

The Public Art Advisory Board has two positions with terms expiring 12/31/2013 and a partial position with a term expiring 12/31/2014.

- Jessica Hammett (*wishes not to renew*)
- Suzette Rodriguez
- Vacant (*12/31/2014*)

Candidate	Initial / Incumbent	In-Town / ETJ	Staff Liaison / Ex-officio Comment
Suzette Rodriguez	Incumbent	Out-of-Town	Recommended
Elizabeth McLaurin	Initial appointment	In-Town	Recommended to complete term expiring 12/31/2015
Kathleen Nobles	Initial appointment	In-Town	Recommended
Jane Roberts	Initial appointment	In-Town	Recommended

If the above slate of candidates is acceptable, the Public Art Advisory Board will have two vacancies with terms expiring 12/31/2015 and one vacancy with a term expiring 12/31/2014.

At its September 3, 2013, Council meeting, Council approved the following revisions to the PAAB by-laws:

- Amending the membership from five to nine
- Election of officers will occur in November
- Adding the Deputy Town Manager as an ex-officio

RECREATION ADVISORY COMMITTEE

The Recreation Advisory Committee consists of 15 members. The membership should be as broadly representative of the community as possible.

The Recreation Advisory Board has four positions with terms expiring 12/31/2013, one vacant position with a term expiring 12/31/2013, one vacant position with a term expiring 12/31/2015 and one partial position with a term expiring 12/31/2014:

- Jeffrey Eisen (*wishes not to renew*)
- Theodore Willer, Jr.
- George Gullatt, Jr. (*wishes not to renew*)
- Angela Stroud
- Vacant (12/31/2013)
- Vacant (12/31/2014)
- Vacant (12/31/2015)

Candidate	Initial / Incumbent	In-Town / Out-of-Town	Staff Liaison / Ex-officio Comment
Theodore Willer, Jr.	Incumbent	Out-of-Town	Recommended
Angela Stroud	Incumbent	In-Town	Recommended
Debra Griffiths	Initial appointment	In-Town	Recommended
Lisa Cotton	Initial appointment	Out-of-Town	Recommended
Chareen Monk	Initial appointment	Out-of-Town	Recommended to complete vacant position for term thru 12/31/2015
Rebecca Bradford	Initial appointment	Out-of-Town	Recommended to complete partial position for term thru 12/31/2014
Toby Williamson	Initial appointment	In-Town	Recommended

If the above slate of candidates is acceptable, the Recreation Advisory Committee could have a full membership.

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

Agenda Item: 3f

Meeting Date: 12/02/13

TITLE: WARRANTY ACCEPTANCE FOR PUBLIC WATER, SEWER, AND STORM DRAINAGE UTILITIES FOR RIVERWOOD ATHLETIC CLUB PHASES 6A-1, 6B, 6C, AND 6E.

DESCRIPTION: Attached.

At its November 18, 2013, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Grow the Local Economy & Think Clayton

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation	Memorandum.
12-02-13	Approval.	Memorandum.

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1530

MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: October 15, 2013

Subject: RWAC, Phases 6A-1, 6B, 6C, & 6E

Please place a warranty acceptance request for the subject public water, sewer, & associated storm drainage utilities on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of said warranty, a final inspection will be done and all deficient items corrected prior to final acceptance.

received
10-17-2013 *DR*

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

Agenda Item: 4a

Meeting Date: 12/02/13

**TITLE: ADMINISTRATION OF OATH OF OFFICE TO THE NEWLY ELECTED
CLAYTON TOWN COUNCIL MEMBER BY MS. ADDIE RAWLS,
DISTRICT COURT JUDGE TO:**
▪ **MICHAEL GRANNIS AS COUNCILMAN**

**ADMINISTRATION OF OATH OF OFFICE TO THE NEWLY ELECTED
CLAYTON TOWN COUNCIL MEMBER BY MR. WILL CROCKER,
CLERK OF SUPERIOR COURT TO:**
▪ **ART HOLDER AS COUNCILMAN**

DESCRIPTION: Oaths of office.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-02-13	Swearing-in.	

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

Agenda Item: 4b

Meeting Date: 12/02/13

TITLE: COMMENTS FROM THE NEWLY SWORN ELECTED OFFICIALS:
▪ **COUNCILMAN MICHAEL GRANNIS**
▪ **COUNCILMAN ART HOLDER**

DESCRIPTION: Comments.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
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12-02-13		
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**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6a

Meeting Date: 12/02/13

TITLE: NOMINATION AND SELECTION OF MAYOR PRO TEM.

DESCRIPTION: In accordance with NC GS 160A-70, at the organizational meeting the Council shall elect from among its members a mayor pro tempore to serve at the pleasure of the Council. The council member serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present.

[§ 160A-70. Mayor pro tempore; disability of mayor.

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council. A councilman serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he is incapacitated and confer any of his powers and duties on the mayor pro tempore. Upon the mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of his powers and duties. In the event both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 4.)]

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-02-13	Selection of Mayor Pro Tem.	N/A.

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

Agenda Item: 6b

Meeting Date: 12/02/13

**TITLE: DISTRIBUTION OF COUNCIL LIAISON AND COMMITTEE
ASSIGNMENTS: MAYOR JODY L. MCLEOD.**

DESCRIPTION: At each organizational meeting, the mayor makes appointments of Council members or himself to serve as liaison or delegate to the various Town boards and committees and other agencies or associations to which the Town is a member.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

12-02-13

**Will be distributed by
The Mayor at the meeting.**

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

Agenda Item: 8a

Meeting Date: 11/18/13

TITLE: PUBLIC HEARING FOR PLANNED DEVELOPMENT DISTRICT REQUEST PDD 2013-68 FOR PROJECT KNOWN AS THE PROMENADE LOCATED ON NORTH SIDE OF US 70 BUSINESS HWY AND SHOTWELL ROAD.

DESCRIPTION: The applicant, Caviness and Cates, is requesting to rezone from Planned Development District – Commercial to Planned Development District – Residential and subsequent approval of a master plan. The site is 22.46 acres located at the northwest intersection of US HWY 70 Business West and Shotwell Road.
The Town Council previously approved the rezoning to planned development district PDD-C on August 4, 2008 (PDD 08-04).
This item is slated for public hearing at the Monday, December 2, 2013, Council meeting.
At the conclusion of the public hearing, Council is requested to consider four items for PDD-C 2013-68. Each item will require a separate motion by the Town Council.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Staff report, aerial map, Application, neighborhood Meeting, wastewater Allocation request, & master Plan.
12-02-13	Public hearing.	PDD Procedures, staff Report, aerial map, Application, neighborhood Meeting, wastewater Allocation request, master Plan, actions requested, & Statement of Consistency And Reasonableness.

**TOWN OF CLAYTON
PLANNED DEVELOPMENT DISTRICTS
(PD-R, PD-C, PD-I, PD-MU)
HEARING PROCEDURES**

1. **HEARING:** The Mayor shall call the hearing and announce the case.
2. **RULES OF PROCEDURE:** The Town Attorney introduces the planned development rezoning procedures and evidentiary hearing procedures. If a protest petition has been received, the Town Attorney will announce if it meets the requirements to invoke the super majority rule; and if applicable, explain the super majority rule. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
3. **STAFF REPORT:** The staff shall give its report.
4. **APPLICANT TESTIMONY:** The applicant shall be called to present their case. The applicant is responsible for successfully addressing the following rezoning Master Plan Approval Criteria [155.705(K)]:
 - a. Compliance with 155.203(K) and all other applicable requirements of this chapter;
 - b. Consistency with the Clayton General Design Guidelines;
 - c. Conformance of the proposal with the stated purpose of the requested planned development district;
 - d. Compatibility of the proposed development with the adjacent community;
 - e. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
 - f. Self-sufficiency of each phase of the overall project;
 - g. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
 - h. The fiscal impact of the proposal and the proposed financing of required improvements;
 - i. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
 - j. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

In addition, the applicant will also address the required findings of fact for preliminary subdivision approval [155.706(I) (10)]:

1. Consistency with the adopted plans and of policies of the Town.
2. The subdivision meets all required specifications of this chapter.

3. 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.
 4. 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.
5. **OPPOSITION TESTIMONY:** Those speaking in opposition to the application shall be called upon to present their case.
 6. **APPLICANT REBUTTAL:** The applicant and/or those in support shall be provided an opportunity to rebut the testimony provided by the opposition.
 7. **OPPOSITION REBUTTAL:** Those in opposition shall be provided an opportunity to rebut testimony provided by the applicant.
 8. **COUNCIL INQUIRY:** The Council may ask 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.
 9. **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.
 10. **UTILITY ALLOCATION (WHEN APPLICABLE):** In the event of pending action on a utility allocation request related to the case and after deliberation, the Council shall take action on the utility allocation in accordance with related policies and procedures.
 11. **REZONING APPROVAL CRITERIA [155.705(J)]:** In connection with its legislative decision on a rezoning request, the Town Council may consider factors including, but not limited to, the following:
 - a. Consistency with the adopted plans and policies of the town;
 - b. Suitability of the subject property for uses permitted by the current versus the proposed district;
 - c. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the town;
 - d. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities and storm water drainage facilities for the proposed use;

- e. It has been determined that the legal purposes for which zoning exists are not contravened;
- f. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- g. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

12. ACTION BY TOWN COUNCIL FOR THE REZONING [155.705(I)]:

The Town Council may:

- ↳ Approve the rezoning,
- ↳ Deny the rezoning, or
- ↳ Send the rezoning back to the Planning Director for additional consideration.

Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall:

- ↳ Adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town; and
- ↳ Explain why the Town Council considers the action taken to be reasonable and in the public interest.

13. ACTION BY TOWN COUNCIL FOR THE PRELIMINARY SUBDIVISION FINDINGS FOR DECISION: After deliberation of the evidence has been completed and action on the utility allocation (when applicable) and the rezoning request; each finding shall be discussed in turn and a motion, second and vote shall be made selecting one of the three alternatives for each finding. A majority vote shall prevail.

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. Failure of any single criteria to achieve majority approval by the Council shall necessitate a decision against the application. A majority vote for approval for all of the four criteria shall necessitate a decision in favor of the application.



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

Town Council

STAFF REPORT

Application Number: PDD 2013-68 (Rezoning to Planned Development District)
Project Name: The Promenade Rezoning

NC PIN: 165910-45-3301
Town Limits/ETJ: Town Limits
Overlay: Thoroughfare Overlay
Applicant: Caviness & Cates
Owners: Walthom Group VII, LLC

Neighborhood Meeting: Held October 16, 2013
Public Noticing: Property posted October 18, 2013
Planning Board Meeting: October 28, 2013

PROJECT LOCATION: The property is generally located at the northwest intersection of US Highway 70 Business West and Shotwell Road.

REQUEST: The applicant is requesting approval to rezone all of parcel number 165910-45-3301 from Planned Development – Commercial to Planned Development – Residential, and subsequent approval of a Master Plan.

SITE DATA:

Acres: 22.46 acres
Present Zoning: Planned Development - Commercial (PD-C)
Proposed Zoning: Planned Development - Residential (PD-R)
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

North: Zoning: Planned Development – Commercial (PD-C)
Existing Use: Vacant

South: Zoning: Planned Development – Commercial (PD-C)
Existing Use: Pine Grove Planned Development – Pep Boys, CVS

East: Zoning: Planned Development – Commercial (PD-C), Highway Business (B-3)
Existing Use: Vacant, BP Gas Station/Convenience Store, Bojangles Restaurant

West: Zoning: Residential Estate (R-E)
Existing Use: Stream/Riparian Buffer, Residential

STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting approval of two requests: 1) approval for the rezoning of the subject property from Planned Development - Commercial (PD-C) to Planned Development – Residential (PD-R), and 2) approval of an associated master plan.

This site was previously rezoned to PD-C on August 4, 2008 (PDD 08-04). As part of that approval, two other parcels, including the 24 acre parcel to the north and the 2.8 acre parcel to the east, were also rezoned to PD-C. The rezoning approval was followed by approval of a master plan for commercial development that encompassed all three properties. That master plan was never built out and the properties are all currently vacant.

The applicant is requesting approval to rezone the subject property to PD-R, and has submitted a master plan for approval. The master plan would permit a gated apartment community with a maximum of 13 units per acre (maximum 288 units). A master plan provides the framework for the development of the site, and in this case has outlined the general location of site entrances, internal layout, and various details including architectural schematics and entrance features. The master plan also sets the maximum density and dimensional requirements.

The requested density of 13 units per acre is similar to the approved density of other apartment complexes in Clayton. For example, the recently approved Apartments at Amelia Station were approved for 14 dwelling units per acre.

The Town Council is the approval authority for both the rezoning and the master plan. If the rezoning is not approved, a decision on the master plan is not necessary. If the rezoning and master plan are approved by the Town Council, no development may take place until a site plan is submitted and approved by the Planning Board. This site plan will be required to meet all specifications as approved in the master plan, as well as requirements of the Unified Development Code (unless waived via the master plan).

View of the southeastern corner of the site where it abuts the commercial gas sales (BP).

➤ **Consistency with the Strategic Growth Plan**

The proposed rezoning is consistent with the following Objectives of the Strategic Growth Plan:

Objective 2.1: Balanced Development: Old & New

Objective 2.5: More Housing Opportunities

The Strategic Growth Plan Proposed Land Use Map designates this property as “commercial.” While the proposed use is in conflict with the Proposed Land Use Map, staff feels that the inclusion of multi-family development at this intersection would provide a mix of uses and a walkable environment for the residents, meeting the intent for a high-density development node at that intersection.

➤ **Consistency with the Unified Development Code (UDC)**

The proposed rezoning is consistent with and meets the applicable requirements of the UDC.

➤ **Compatibility with Surrounding Land Uses**

High density residential development would be consistent with high density commercial uses adjacent to the site and across Highway 70. This higher density grants opportunities for residents to walk or have nearby access to adjacent commercial development. The proposed master plan provides for connections to adjacent development to provide this access. The development will be encompassed by a Class “C” buffer and a security fence to provide a visual buffer from adjacent commercial development.

➤ **Fire Protection**

The Town of Clayton Fire Department will provide fire protection.

➤ **Access/Streets:**

Access is provided off via two primary entrances: 1) Shotwell Road and 2) US 70 Business Highway West. A Traffic Impact Analysis (TIA) has been completed by the applicant and has been reviewed by the NCDOT Congestion Management Section. The Town’s traffic consultant will conduct an independent review of these reports to verify the findings. The NCDOT report largely concurred with the recommendations in the TIA. An excerpt from the Congestion Management Report follows, as well as the associated map:

SR 1553 (Shotwell Rd) and Old US 70 Intersection

No improvements are recommended for site traffic.

SR 1553 (Shotwell Rd) and Cameron Way/Site Driveway #1 Intersection

- **NB SR 1553 (Shotwell Rd)**
 - Stripe a Left-Turn arrow on the existing two-way left-turn lane ①
- **SB SR 1553 (Shotwell Rd)**
 - Restripe Existing Thru Lane to Thru/Right Lane ①
- **EB Site Driveway #1**
 - Three-lane cross-section: one ingress, two egress ①
 - Egress: Left-Turn Lane, Thru/Right Lane ①
 - 100' Internal Protected Stem ②
- **WB Side Road**
 - Restripe Existing Right-Turn Lane to Thru/Right Lane ①

US 70 Business and SR 1553 (Shotwell Rd) Intersection

Poor LOS/queuing is anticipated to persist at this location; however, no improvements are recommended for site traffic.

US 70 Business and Site Driveway #2 Intersection

This intersection should be restricted to right-in/right-out access only.

- **WB US 70 Business**
 - 100' Right-Turn Lane ①
- **SB Site Driveway #2**
 - Two-lane cross-section: one ingress, one egress ①
 - Egress: Right-Turn Lane ①
 - 100' Internal Protected Stem ②

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

None. Density and dimensional code requirements are set by the Master Plan approval process.

CONSIDERATIONS:

- The applicant is requesting a rezoning from PD-C to PD-R.
 - When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with an adopted plans and policies of the town and explaining why the board considers the action taken to be reasonable and in the public interest.
 - The applicant is requesting approval of the Master Plan (separate action).
 - The applicant is requesting approval of the wastewater allocation request.
-

STAFF RECOMMENDATION:

Staff is recommending

- 1) approval of the rezoning, and
 - 2) approval of the master plan with the conditions listed below:
-

CONDITIONS:

The following conditions are recommended by staff as a component of the master plan approval:

- 1) The development of the site is limited to the site design and uses as indicated on the master plan approved by the Town Council. Modifications may require additional review and approvals.
 - 2) Development of the site is subject to site plan review and approval.
 - 3) Common architectural elements, entry features, and pedestrian connectivity shall be included in the site design for the overall development.
 - 4) Sidewalks must be constructed by the developer along Shotwell Road and throughout the development to ensure pedestrian connectivity. Where viable, pedestrian connections to adjacent development shall be provided.
 - 5) A wastewater allocation request must be approved by the Town Council.
 - 6) Driveway Permits must be approved by NCDOT prior to the issuance of a zoning compliance permit.
 - 7) The perimeter landscaping must be installed prior to the issuance of a Certificate of Occupancy.
 - 8) All development fees shall be paid to the Town prior to issuance of a Certificate of Occupancy.
-

PLANNING BOARD RECOMMENDATION: Attached

ATTACHMENTS: 1) Planning Board Recommendation, 2) Zoning/Aerial Map, 3) Application, 4) Neighborhood Meeting Materials, 5) Wastewater Allocation Request, 6) Master Plan

TOWN OF CLAYTON, NC

PLANNING BOARD RECOMMENDATION FORM

Project Name and File #: PDD 2013-68 Promenade Rezoning and Master Plan

On October 28, 2013 the Planning Board heard the above-referenced request and makes the following recommendation(s) to the Town Council:

1) Rezoning approval request

Approval of the request - Unanimous

Denial of the request

2) Master Plan approval request

Approval of the request with the conditions as presented by staff at the meeting - Unanimous

Approval of the request with the following amendments to the conditions presented by staff at the meeting:

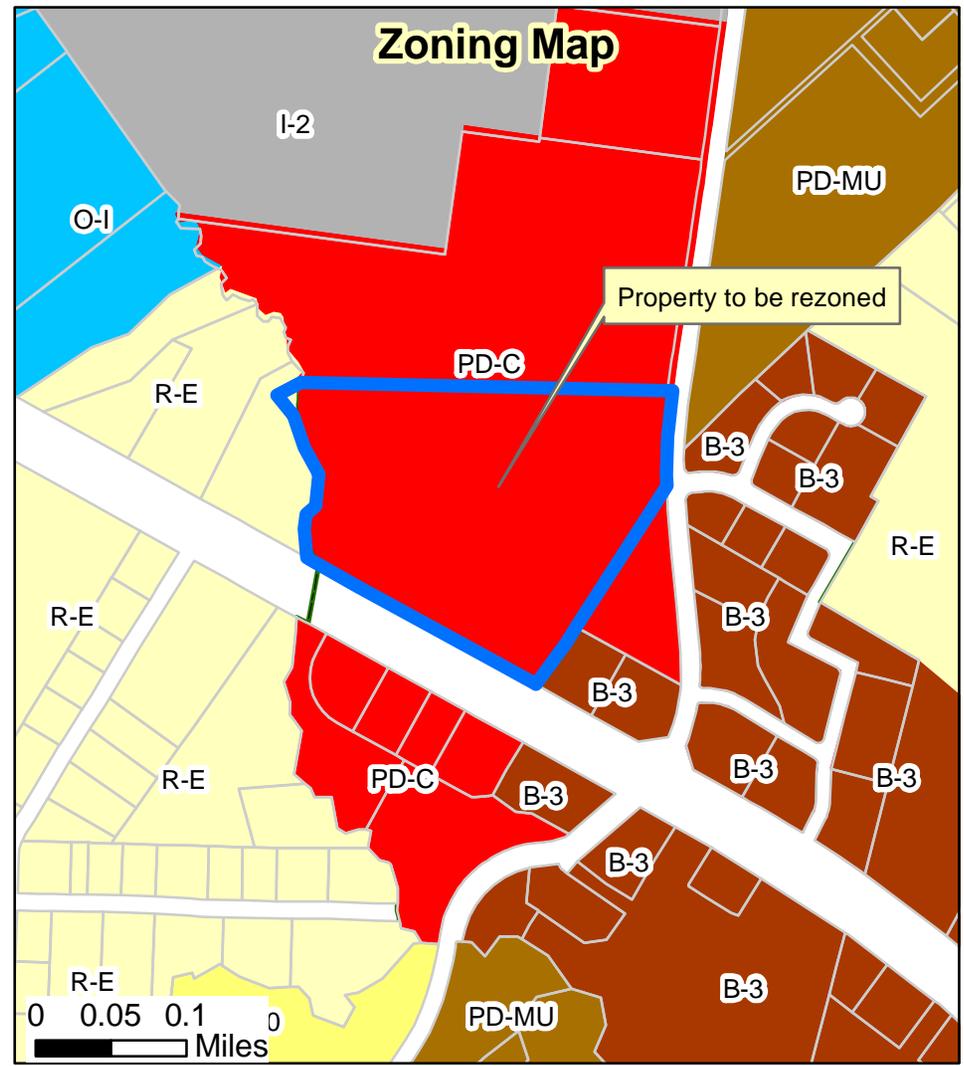
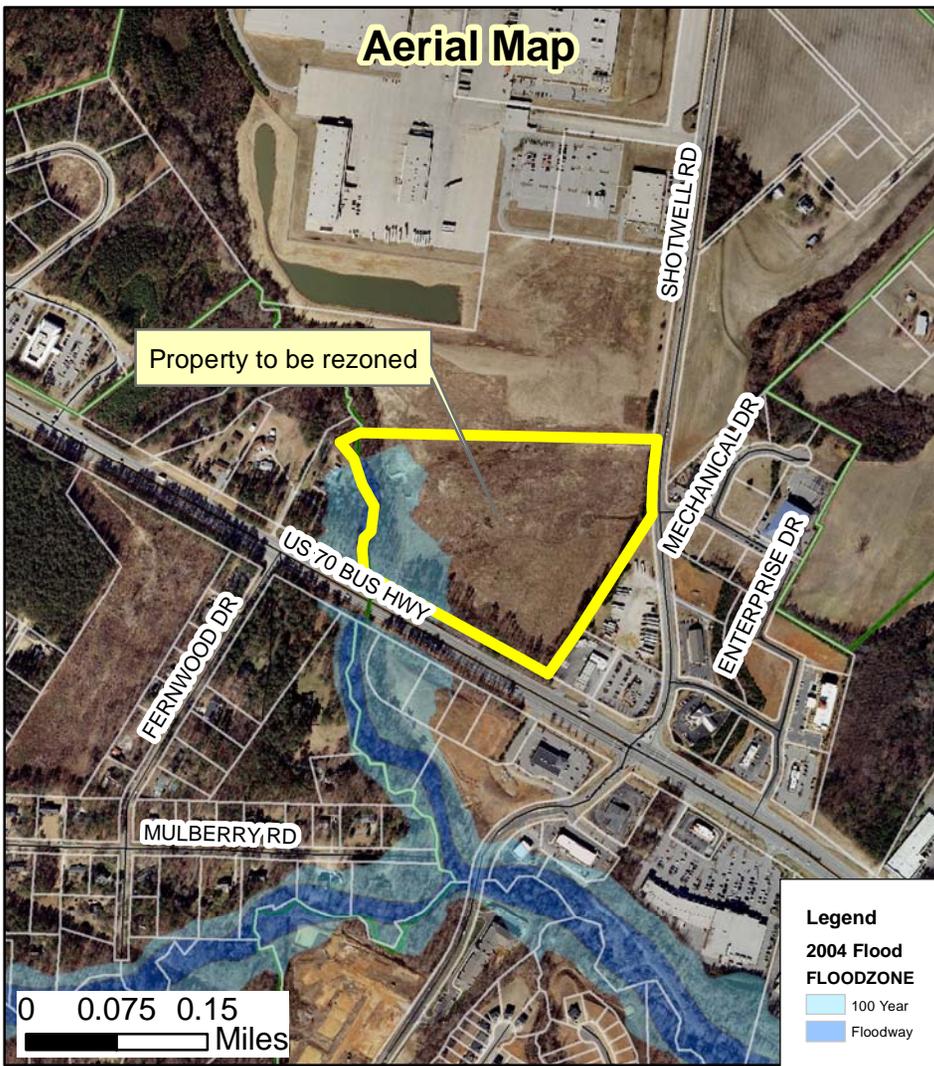
Planning has concern for traffic at Shortwell & US70B.

Denial of the request

Signed:



Frank Price, Planning Board Chair



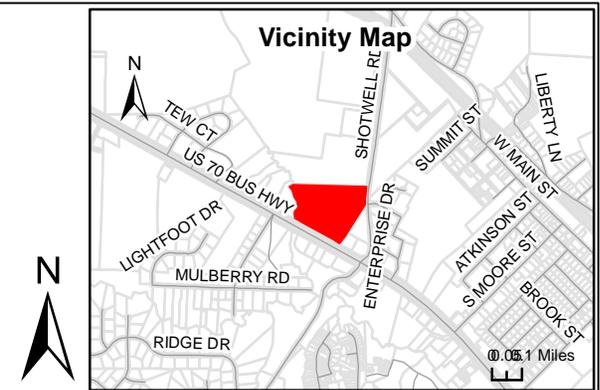
"The Promenade" Rezoning PD-C to PD-R

Applicant: Don Mizelle; Caviness & Cates
 Property Owner: Walthom Group VII, LLC
 Parcel ID Number: 165910-45-3301
 File Number: PDD 2013-68

Produced by: TOC Planning

Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

9/26/13





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

REZONING APPLICATION

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

Rezoning 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 \$500.00 for a rezoning to a Standard District. A rezoning to a Planned Development District requires a fee of \$1,000.00 +\$5.00 per acre. All fees are due when the application is submitted.

If the rezoning request is to a Planned Development District, the application must be accompanied by a Major Site Plan application and associated fees.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Rezoning Petitions.

SITE INFORMATION:

Name of Project: The Promenade Acreage of Property: 22.46
 Parcel ID Number: 165910-45-3301 Tax ID: 05G02205C
 Deed Book: 3231 Deed Page(s): 695-700
 Address: n/a US 70 Business
 Location: North side of US 70 Business near intersection with Shotwell Road

Existing Use: Vacant Proposed Use: 288 Apartment Units
 Existing Zoning District: PD-C
 Requested Zoning District PD-R (Apartments)
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): PD-C
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): Thoroughfare

FOR OFFICE USE ONLY

File Number: 2013-68 Date Received: 9/3/13 Amount Paid: _____

OWNER INFORMATION:

Name: Walthom Group VII, LLC

Mailing Address: 442 ½ East Main Street Clayton, NC 27540

Phone Number: 919-553-5400

Fax: 919-550-3814

Email Address: clopez@walthomgroup.com

APPLICANT INFORMATION:

Applicant: Caviness & Cates

Mailing Address: 639 Executive Place Suite 400 Fayetteville, NC 28305

Phone Number: 910-481-0501

Fax: 910-481-0587

Contact Person: Don Mizelle (919) 868-3592

Email Address: don@longleafds.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:

- A signed and sealed boundary survey (**not more than a year old unless otherwise approved by the Planning Department**) with the azimuth or courses and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.
- Property legal description typed (10 pt. font or greater) on an 8.5 inch by 11 inch paper with one inch margins. The legal description must also be submitted electronically in Microsoft Word format.
- A copy of the last recorded deed for the subject property.

JUSTIFICATION STATEMENT

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

The current and projected demand for multi-family units in the area coupled with this site's location, site characteristics, and the availability of public infrastructure make a PD-R (multi-family) re-zoning request a viable option that will allow for the development of this site. At the time of the last rezoning of this site to PD-C in 2008, the site was proposed to accommodate a commercial shopping center with an anchor tenant, in-line shops, and numerous outparcels and parking areas. Due to various factors, that plan was never realized. It appears the highest and best use of this site may not be for commercial purposes but rather for multi-family apartments.

Apartments are often located adjoining or within close proximity to existing or planned commercial areas and employment centers that provide convenient access for apartment residents. In Clayton, apartments are allowed as special uses in many commercial zoning districts further demonstrating the compatibility of the uses. This site is well suited for multi-family use due to its location near such existing uses. Access to US 70 Business and Shotwell Road make for convenient access to and from the site. Compared to the shopping center proposed under the existing PD-C zoning district, the rezoning of this site to allow 288 multi-family units will likely lessen projected impacts to the existing transportation system as well.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The conceptual plan attached to this rezoning petition will comply with the Town's land usage ordinance, land use and transportation plans, and other development standards as applicable to the project.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

The subject property is capable of supporting both the uses allowed by the current zoning district as well as the proposed multi-family district. The attached concept plan illustrates how the site can support up to 288 multi-family dwelling units while providing the required buffers, parking, stormwater treatment areas, and other requirements of the Town of Clayton. Commercial and multi-family projects often exist in close proximity to one another; a fact that makes this site suitable for either use.

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

The predominate developed land uses along US 70 Business in this area are commercial uses. The change in use to multi-family would allow for a better balance of complimentary land uses in the immediate area. The multi-family use of the site would provide its residents with access to the numerous commercial services, employment opportunities, and services located within close proximity to this site. In addition the change in use to multi-family would help address a need for market rate multi-family housing in the area and support existing commercial development.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

The Town of Clayton has confirmed that water and sewer capacity exist to serve this site if developed as an apartment site with 288 units. Stormwater treatment will be handled on-site via new devices designed to serve the project. The internal roadway and driveway system will be designed to provide safe and efficient ingress and egress to US 70 Business and Shotwell Road. Most schools county-wide are currently experiencing capacity issues; however, apartment developments typically contribute fewer new students to the school system than single-family developments on a per unit basis. The expected 2.5 year build-out of this development should provide time for the school system to find ways to accommodate this and other on-going residential growth.

5. It has been determined that the legal purposes for which zoning exists are not violated.

The rezoning of this site from PD-C to PD-R would not violate any legal purposes for which zoning exists as the zoning district proposed is an allowed district within the Town of Clayton. The site plan and its associated conditions noted on the plan are proposed in general accordance with Town development and zoning standards for the proposed use.

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

The majority of the adjoining property owners to the north and east of the site are developed commercial properties or undeveloped properties zoned for non-residential uses. Multi-family uses such as the one proposed, are typically compatible with most non-residential uses such as those that currently adjoin the site. The residential parcels that adjoin the site to the west should benefit from a "down zoning" of the site from commercial to multi-family in that the intensity of the use will be less than previously planned under the existing commercial district. Furthermore, this site when developed, will provide buffers per the Town's code to provide a visual separation of uses between dissimilar uses where needed.

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

The change in use from commercial to multi-family will not be detrimental to the general public. The use, if allowed will be subject to the Town's development requirements for access, buffers, stormwater, etc. Additionally the change in use from commercial to multi-family could reduce the traffic impact associated with the development of this site as traffic generated from 22 acres of commercial generally would be more impactful upon the immediate road network than the 288 units of multi-family proposed with this rezoning petition.

APPLICANT AFFIDAVIT

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

Watson Parviness
Print Name

Watson Parviness
Signature of Applicant

8/28/13
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: The Promenade Submittal Date: 9/3/2013

OWNERS AUTHORIZATION

I hereby give CONSENT to CAVINESS + CATES (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.

[Signature] Jim Lee 8-25-13
 Signature of Owner Print Name 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.

[Signature] Watson Caviness 8/25/13
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

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

Beginning at an existing iron pipe on the northern right of way of US Hwy 70 (200' Public R/W), said pipe being the southwestern corner of the United Energy, Inc. property as described in Deed Book 1589, Page 800, Johnston County Registry, thence with said right of way North 60°57'01" West 914.07 feet to an existing iron pipe on the centerline of Little Creek, thence leaving said right of way and with said centerline North 04°58'34" West 102.21 feet to a new iron stake, thence North 09°07'57" East 51.71 feet to a new iron stake, thence North 49°59'57" East 41.77 feet to an existing iron stake, thence North 06°12'33" East 112.95 feet to a new iron stake, thence North 28°21'52" West 106.56 feet to a new iron stake, thence North 18°27'55" West 117.00 feet to a new iron stake, thence North 29°33'06" West 85.55 feet to a new iron stake, thence leaving said centerline North 67°10'34" East 94.24 feet to an existing iron stake, thence South 88°44'40" East 1,280.83 feet to an existing iron stake on the eastern right of way of Shotwell Road (NC SR 1553) (60' R/W), thence with said right of way South 07°51'32" West 111.89 feet to an existing iron stake, thence South 03°26'47" West 43.13 feet to a point, thence South 03°38'21" West 54.17 feet to a point, thence South 02°12'32" West 51.66 feet to a point, thence South 00°37'08" West 53.41 feet to a point, thence South 01°39'23" East 18.45 feet to a new iron stake, thence leaving said right of way South 32°47'57" West 499.75 feet to an existing iron pipe, thence South 36°05'40" West 184.40 feet to the point and place of Beginning, containing 22.46 acres more or less.

Excise Tax: \$2,680.00

Recording Time, Book and Page

Tax Lot No. 05G02198E & 05G02201F

Parcel Identifier No.

Verified by _____ County on the _____ day of _____, 200__

By _____

Mail after recording to Kristoff Law Offices, P.A.

This instrument was prepared by GARLAND L. ASKEW

Brief description for the Index 9.38 acres and 22.46 acres, U.S. Hwy 70 West

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 26 day of October, 2006, by and between

GRANTOR

GRANTEE

ROWANN YEARGAN and SHERMAN A. YEARGAN, JR.
Trustees of The WALTER RAND YEARGAN
IRREVOCABLE TRUST; SHERMAN A. YEARGAN, JR.
and JEANNIE G. CAMPBELL Trustees under Agreement
dated September 26, 1979; and SHERMAN A.
YEARGAN, JR. and wife, ANDREA N. YEARGAN.

WALTHOM GROUP VII, LLC, a North Carolina
limited liability company
442 1/2 East Main Street
Clayton, North Carolina 27520

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Clayton Township, Johnston County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference for the description

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1092, Page 552; Book 725, Pages 281 & 331; Book 812, Page 57; Book 830, Pages 643; and Book 863, Page 402.

A map showing the above described property is recorded in Plat Book _____, page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Covenants, restrictions and easements of record.

Ad valorem taxes for the current year.

The restrictive covenant set forth on Exhibit B attached hereto which is specifically incorporated herein by reference.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

WALTER RAND YEARGAN IRREVOCABLE TRUST

By: Rowann Yeargan, Trustee (SEAL)
ROWANN YEARGAN, Trustee

By: Sherman A. Yeargan, Jr., Trustee (SEAL)
SHERMAN A. YEARGAN, JR., Trustee

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and for ^{Franklin, NC} ~~said County, and State~~, certify that ROWANN. YEARGAN, as trustee of the Walter Rand Yeargan Irrevocable Trust, personally appeared before me this day, being personally known to me, acknowledged to me that she voluntarily signed the foregoing instrument on behalf of the Trust for the purpose stated therein as trustee of the Trust, under authority duly given, on this the 30th day of October, 2006.

[OFFICIAL STAMP OR SEAL]



Deborah R. Nowell
Official Signature, Notary Public

My Commission Expires: 6-1-10

Deborah R. Nowell
Notary's Printed or Typed Name

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and for ^{Franklin, NC} ~~said County, and State~~, certify that SHERMAN A. YEARGAN, JR., as trustee of the Walter Rand Yeargan Irrevocable Trust, personally appeared before me this day, being personally known to me, acknowledged to me that he voluntarily signed the foregoing instrument on behalf of the Trust for the purpose stated therein as trustee of the Trust, under authority duly given, on this the 30th day of October, 2006.

[OFFICIAL STAMP OR SEAL]



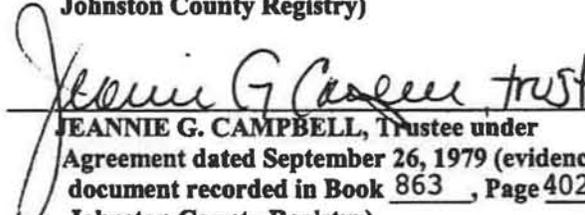
Deborah R. Nowell
Official Signature, Notary Public

My Commission Expires: 6-1-10

Deborah R. Nowell
Notary's Printed or Typed Name

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

 (SEAL)
SHERMAN A. YEARGAN, JR., Trustee under Agreement dated September 26, 1979 (evidenced by document recorded in Book 863, Page 402, Johnston County Registry)

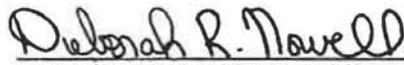
 (SEAL)
JEANNIE G. CAMPBELL, Trustee under Agreement dated September 26, 1979 (evidenced by document recorded in Book 863, Page 402, Johnston County Registry)

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and of ^{Franklin, NC} said County and State, certify that SHERMAN A. YEARGAN, JR., trustee under Trust Agreement dated September 26, 1979 (evidenced by instrument recorded in Book 863, Page 402, Johnston County Registry), personally appeared before me this day, being personally known to me, acknowledged to me that he voluntarily signed the foregoing instrument on behalf of the Trust for the purpose stated therein as trustee of the Trust, under authority duly given, on this 30th day of October, 2006.

[OFFICIAL STAMP OR SEAL]




Official Signature, Notary Public

Deborah R. Nowell
Notary's Printed or Typed Name

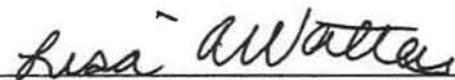
My Commission Expires: 6-1-10

OHIO Geauga COUNTY

I, a Notary Public in and of said County and State, certify that JEANNIE G. CAMPBELL, trustee under Trust Agreement dated September 26, 1979 (evidenced by instrument recorded in Book 863, Page 402, Johnston County Registry), personally appeared before me this day, being personally known to me, acknowledged to me that she voluntarily signed the foregoing instrument on behalf of the Trust for the purpose stated therein as trustee of the Trust, authority duly given, on this 26 day of October, 2006.

[OFFICIAL STAMP OR SEAL]




Official Signature, Notary Public

Lisa A. Walters
Notary's Printed or Typed Name

LISA A. WALTERS
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires: Recorded in Cuyahoga County
My Comm. Expires January 7 2008

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

[Signature] (SEAL)
SHERMAN A. YEARGAN, JR.

[Signature] (SEAL) *Fact*
ANDREA N. YEARGAN
By: SHERMAN A. YEARGAN, JR., Attorney in Fact

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and of ^{Franklin} ~~said~~ County, ^{NC} ~~and State~~, certify that SHERMAN A. YEARGAN, JR. personally appeared before me this day, being personally known to me, acknowledged to me that he voluntarily signed the foregoing instrument for the purpose stated therein on this 30th day of October, 2006.

[OFFICIAL STAMP OR SEAL]



Deborah R. Nowell
Official Signature, Notary Public

My Commission Expires: 6-1-10

Deborah R. Nowell
Notary's Printed or Typed Name

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and of ^{Franklin} ~~said~~ County, ^{NC} ~~and State~~, certify that SHERMAN A. YEARGAN, JR., attorney-in-fact for ANDREA N. YEARGAN, personally appeared before me this day, being personally known to me, acknowledged to me that he voluntarily signed the foregoing instrument for the purpose stated therein as attorney-in fact for ANDREA N. YEARGAN, in her behalf, under authority duly given granting him power of attorney in an instrument duly executed, acknowledged and recorded in the office of the Register of Deeds of Johnston County, North Carolina, in Book 3281, Page 687, on this 30th day of October, 2006.

[OFFICIAL STAMP OR SEAL]



Deborah R. Nowell
Official Signature, Notary Public

My Commission Expires: 6-1-10

Deborah R. Nowell
Notary's Printed or Typed Name

EXHIBIT "A"

DESCRIPTION

BEING all of Tract "A" containing 9.38 acres and Tract "B" containing 22.46 acres, according to a plat entitled "Survey for Plaza Development Co., Clayton Township, Johnston County, NC", dated 10/11/2006, prepared by Aalsey J. Gilbert, PLS, and recorded in Map Book 69, Page 144, Johnston County Registry

EXHIBIT "B"

**Yeargan/Walthom Group VII
Restrictive Covenant**

By the acceptance and recording of this deed, the Grantee agrees and covenants, for itself and its successors and assigns, that for a period of two (2) years from the date of the recording of this deed that the property described herein shall not be developed or utilized in any manner whatsoever for any retail use of over one hundred thousand (100,000) square feet. This restrictive covenant, however, shall not apply to the development or use of the property for a "Lowe's" type store or a retail grocery store. Any violation or attempted violation of this restrictive covenant shall be enforceable by Grantor or their successors and assigns by injunctive relief or any other remedy available to Grantor or their successors and assigns at law or in equity. All reasonable attorney fees and other costs incurred by Grantor or their successors and assigns to enforce this restrictive covenant shall be paid by Grantee and its successors and assigns.

NEIGHBORHOOD MEETING MATERIALS

CERTIFICATION OF MAILING NOTICE

TO THE CITY COUNCIL
TOWN OF CLAYTON

In accordance with the requirements of Section 105.702(D)(2)(c) of the Unified Development Code of the Town of Clayton, I hereby certify that the undersigned has this date mailed a notice of the proposed request to the owners of all parcels of land within 100 feet and immediately abutting that (those) parcel(s) of land¹, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, in an envelope addressed to the property owners whose names and address are as follows:

(see attached addresses and copy of letter)

This the 1ST day of October, 2013

Name (print): Don Mizelle

Signed: Don Mizelle

PROJECT #/Name: Promenade Rezoning

Notes:

1. Where the subject property immediately adjoins a public or private right-of-way, landscape, or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.

Properties within 100 feet of parcel #165910-45-3301 (or immediately across ROW)						
#	PIN	NAME1	ADD	CITY	ST	ZIP
1	165910-35-5553	BARBER, ROBERT W & ELIZABETH	12182 W 70 BUS HWY	CLAYTON	NC	27520-2149
2	165914-34-3471	BEDDINGFIELD, C H JR	P O BOX 97	CLAYTON	NC	27528-0097
3	165914-34-2724	CASH, JAMES W	P O BOX 417	CLAYTON	NC	27520-0000
4	165911-55-1332	CORPORATE DEVELOPERS LLC	155 BENNETT PLACE	CLAYTON	NC	27527-0000
5	165910-46-1070	ELPHICK PROPERTIES LLC	1000 CCC DRIVE	CLAYTON	NC	27520-0000
6	165914-44-1546	HEALTH PROPERTIES INVESTMENTS INC	6207 COTTAGE HILL RD	MOBILE	AL	36609
7	165910-35-3771	HOUSE, J MICHAEL	12180 US 70 BUSINESS HWY W	CLAYTON	NC	27520
8	165911-56-7592	LEE BROTHERS RENTAL	400 W MAIN STREET	CLAYTON	NC	27520-0000
9	165914-44-5385	M CLAYTON REALTY ASSOCIATES LLC	636 OLD YORK ROAD 2ND FLOOR	JENKINTOWN	PA	19046-0000
10	165914-44-3407	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO	63144-1329
11	165914-44-0613	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO	63144-1329
12	165914-34-8762	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO	63144-1329
13	165914-34-8440	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO	63144-1329
14	165911-55-2509	TREE HOUSE PROPERTIES	PO BOX 4206	GREENSBORO	NC	27404-0000
15	165910-45-8042	TRI ARC FOOD SYSTEMS INC 23	4905 WATERS EDGE DR	RALEIGH	NC	27606-2405
16	165914-44-6778	UNITED ENERGY, INC ATTN: ROSE BEASLEY	PO BOX 469	CLINTON	NC	28329-0469
17	165910-45-3301	WALTHOM GROUP VII LLC	442 1/2 E MAIN STREET	CLAYTON	NC	27520-0000



September 30, 2013

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 applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: Wednesday October 16, 2013

Location: The Clayton Center, Four Oaks Conference Room

Time: 6pm – 7pm

Type of Application: Rezoning from PD-C to PD-R

General Description: Caviness & Cates proposes to rezone approximately 22.46 acres of land accessed from Shotwell Road and US 70 Business from Commercial (Planned Development Commercial) to Residential (Planned Development Residential). Initial plans provide for the development of a market rate apartment community with up to 288 units including a pool, clubhouse, parking, buffering, and landscaping. The rezoning of the site to PD – Residential is necessary to allow for the development of the site for apartment uses.

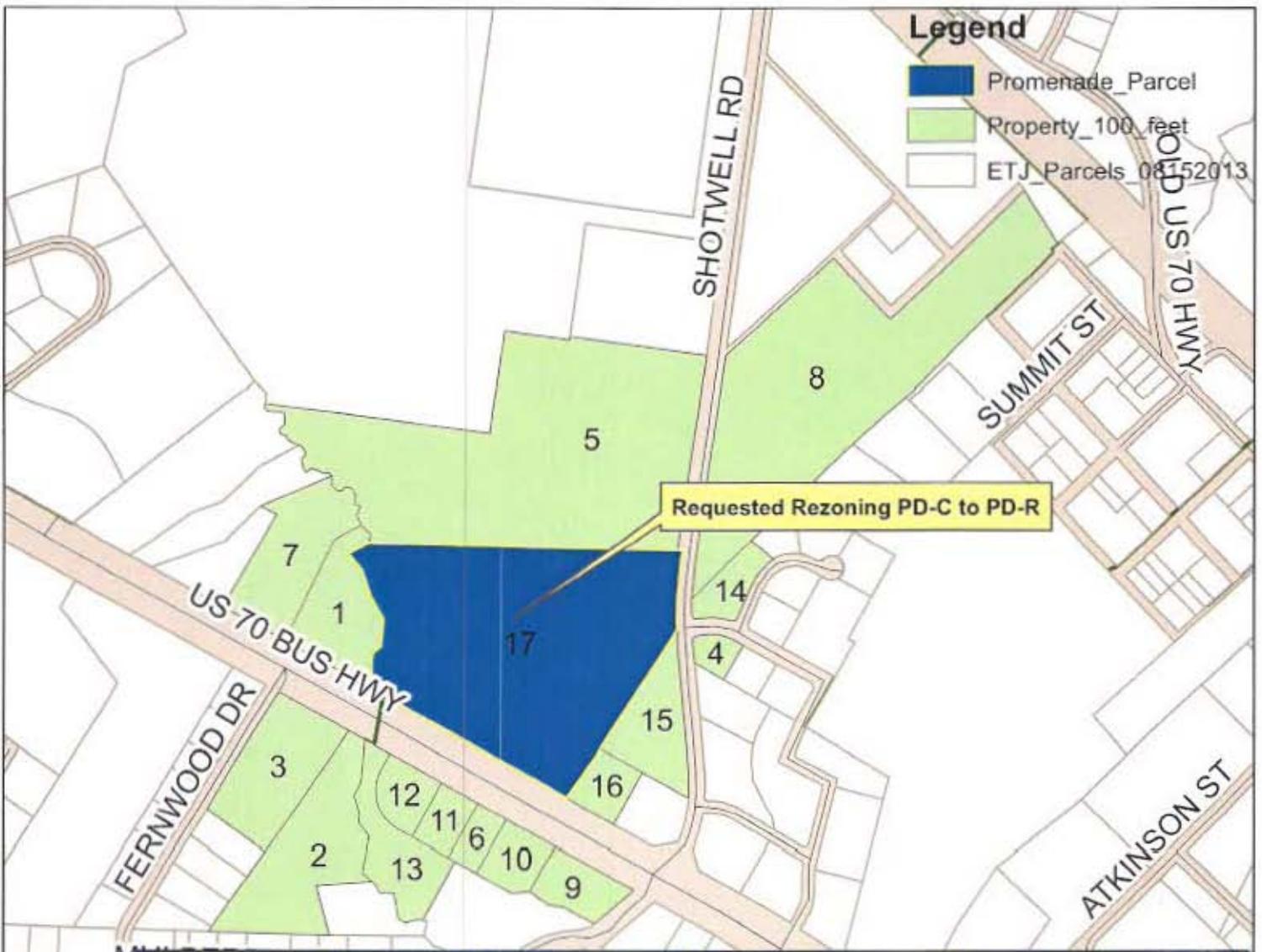
If you have any questions prior to or after this meeting, you may contact us at 919-868-3592. We look forward to sharing our plans with you at the meeting.

Sincerely,

A handwritten signature in black ink that reads "Don Mizelle". The signature is written in a cursive style.

Don Mizelle
Longleaf Development Services

cc: Clayton Planning Department



Properties within 100 feet of parcel #165910-45-3301 (or immediately across ROW)

Number	PIN	NAME1	CITY	STATE	ZIPCODE
1	165910-35-5553	BARBER, ROBERT W & ELIZABETH	12182 W 70 BUS HWY	CLAYTON	NC 27520-2149
2	165914-34-3471	BEDDINGFIELD, C H JR	P O BOX 97	CLAYTON	NC 27528-0097
3	165914-34-2724	CASH, JAMES W	P O BOX 417	CLAYTON	NC 27570-0000
4	165911-55-1332	CORPORATE DEVELOPERS LLC	155 BENNETT PLACE	CLAYTON	NC 27527-0000
5	165910-46-1070	ELPHICK PROPERTIES LLC	1000 CCC DRIVE	CLAYTON	NC 27520-0000
6	165914-44-1546	HEALTH PROPERTIES INVESTMENTS INC	6207 COTTAGE HILL RD	MOBILE	AL 36609
7	165910-35-3771	HOUSE, J MICHAEL	12180 US 70 BUSINESS HWY W	CLAYTON	NC 27520
8	165911-56-7592	LEE BROTHERS RENTAL	400 W MAIN STREET	CLAYTON	NC 27520-0000
9	165914-44-5385	M CLAYTON REALTY ASSOCIATES LLC	636 OLD YORK ROAD 2ND FLOOR	JENKINTOWN	PA 19046-0000
10	165914-44-3407	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO 63144-1329
11	165914-44-0613	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO 63144-1329
12	165914-34-8762	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO 63144-1329
13	165914-34-8440	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO 63144-1329
14	165911-55-2509	TREE HOUSE PROPERTIES	PO BOX 4206	GREENSBORO	NC 27404-0000
15	165910-45-8042	TRI ARC FOOD SYSTEMS INC 23	4905 WATERS EDGE DR	RALEIGH	NC 27606-2405
16	165914-44-6778	UNITED ENERGY, INC ATTN: ROSE BEASLEY	PO BOX 469	CLINTON	NC 28329-0469
17	165910-45-3301	WALTHOM GROUP VII LLC	442 1/2 E MAIN STREET	CLAYTON	NC 27520-0000

PDD 2013-68 Promenade Rezoning PD-C to PD-R

Applicant: Don Mizelle; Caviness & Cates
 Property Owner: Walthom Group VII, LLC
 Parcel ID Number: 165910-45-3301
 File Number: PDD 2013-68

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal
 responsibility for the information represented here.
 9/26/13





October 17, 2013

Emily S. Beddingfield, AICP
Town of Clayton
PO Box 879
Clayton, NC 27528

Dear Ms. Beddingfield,

Last evening we held our required neighborhood meeting for the Promenade rezoning from 6pm to 7pm at the Clayton Center. Attached is a roster of those in attendance at the meeting. We presented rezoning information, regulatory plan details, and building design information to those in attendance. The major points of discussion were as follows:

- Barber Family – they wanted to make sure that adequate stormwater detention was being provided on our site so as not to add to an existing stormwater issue they currently face on their site. They seemed satisfied that a stormwater pond was being planned for our project; and
- Sparky Cullen (Elphick Properties) – is concerned that the development of our site for apartments will negatively impact his company’s ability to market their property for commercial as shown on the 2008 PD-C rezoning associated with these two properties. No resolution of this issue is anticipated.

Please let me know if you need any additional information concerning last evening’s meeting.

Sincerely,

A handwritten signature in black ink that reads "Don Mizelle".

Don Mizelle, AICP

Cc: Maggie Lockwood – Caviness & Cates
Loftee Smith – Withers & Ravenel

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Caviness & Cates : The Promenade

Location/Date: Clayton Center 10/16/2013

	NAME	ADDRESS
1	Bob Barber	12182 US70W, Business, Clayton, NC
2	Bet Barber	" " " "
3	JAMES CASH	1 DOGWOOD FOREST LN.
4	SPARKY CULLEN	PARCEL #5 - ELPHICK PROPERTIES
5	JIM LEE	709 FERNWOOD DR.
6		
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NC
27520

October 28, 2013

Emily Beddingfield
Town of Clayton
Planning Department
111 E. Second Street
Clayton, NC 27520

RE: PDD-R 2013-68 PROMENADE PLANNED DEVELOPMENT
SEWER CAPACITY REQUEST
W&R No. 2130305.00

Dear Ms. Beddingfield:

We are writing this letter to request sewer capacity in conjunction with the rezoning proceedings for the proposed Promenade Apartments at US70 and Shotwell Road. The request is for a maximum of 288 units. Our calculations are:

72	One Bedroom Units at 240 GPD	=	17,280 GPD
192	Two Bedroom Units at 240 GPD	=	46,080 GPD
22	Three Bedroom Units at 360 GPD	=	7,920 GPD

Total Capacity Request	71,280 GPD
------------------------	------------

Please let us know if you have any questions or need additional information to accompany this request.

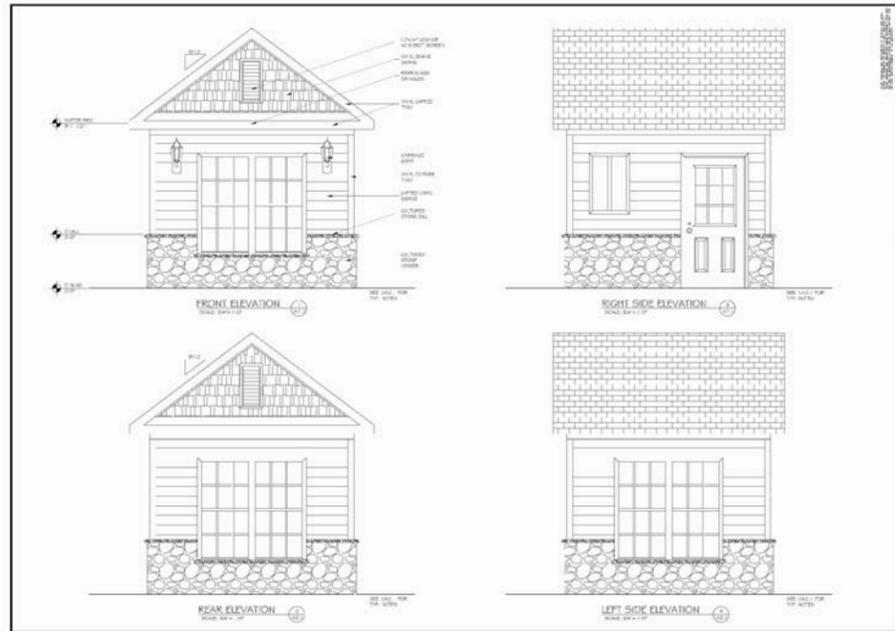
Sincerely,

WITHERS & RAVENEL, INC.

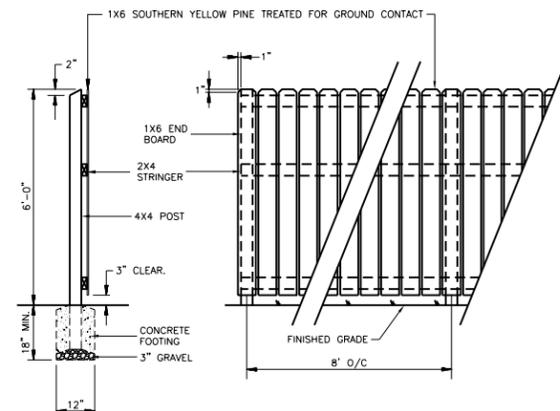


Joffee Smith, P.E.

Cc: Maggie Lockwood
Don Mizelle

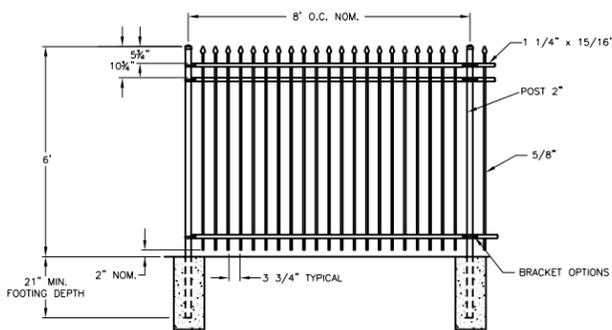


GATE HOUSE
SCALE : NONE

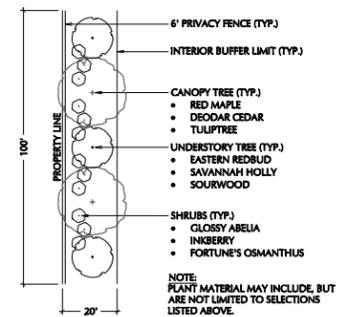


SECTION **ELEVATION**

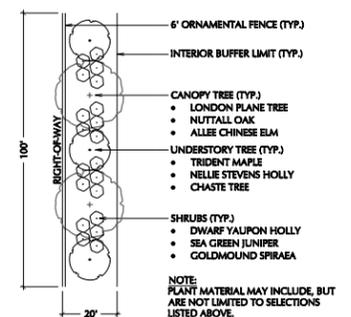
6' HIGH WOOD PRIVACY FENCE
SCALE : NONE



6' HIGH ORNAMENTAL FENCE
SCALE : NONE



CLASS C - ALTERNATIVE 1 PERIMETER BUFFER
NOT TO SCALE



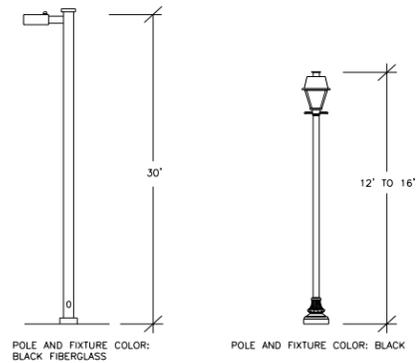
CLASS B - ALTERNATIVE 1 STREETYARD BUFFER
NOT TO SCALE



BRADLEY & BALL ARCHITECTS

THE PROMENADE
CLAYTON, N.C.
FRONT ELEVATION

Caviness & Cates
Property Management, LLC
Best for the Business



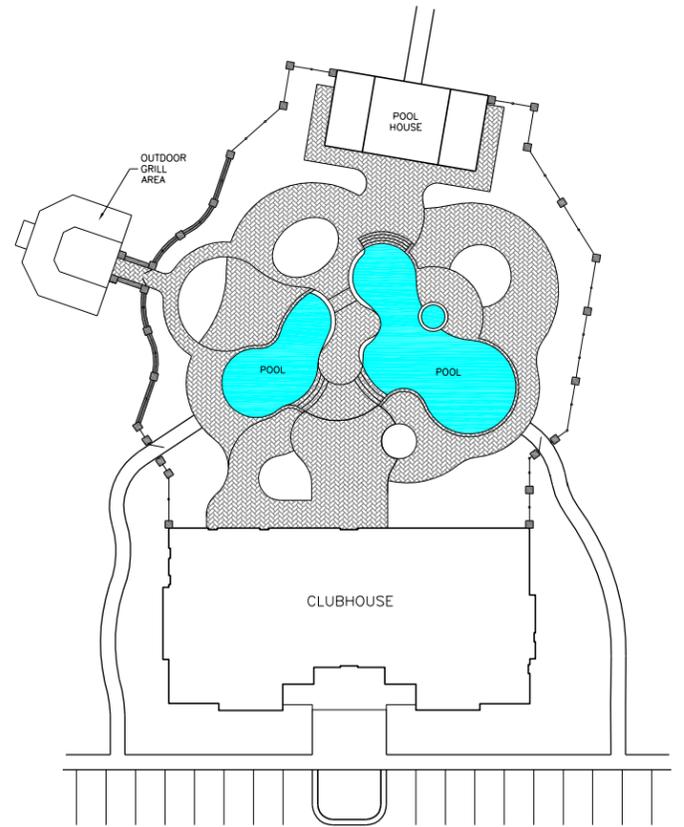
SITE LIGHT FIXTURE DETAILS
SCALE : NONE



SECONDARY ENTRANCE SIGNAGE
SCALE : NONE



PRIMARY ENTRANCE SIGNAGE
SCALE : NONE



CLUBHOUSE AREA DETAIL
SCALE : NONE

K:\13\13-0200\130305-Meyr_70 - Showell Road\Arch\Drawings\SitePlan.dwg - Thursday, November 07, 2013 3:15:48 PM - W:\MCO, THOMAS

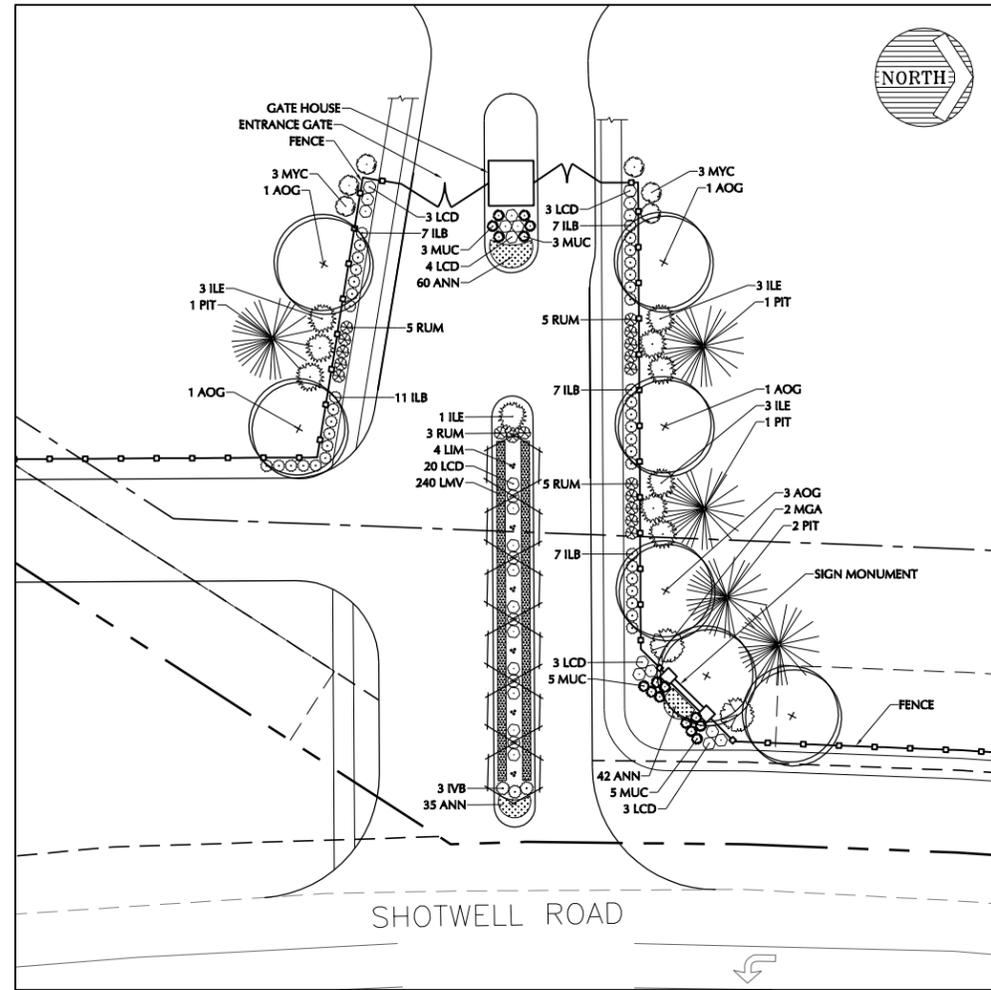
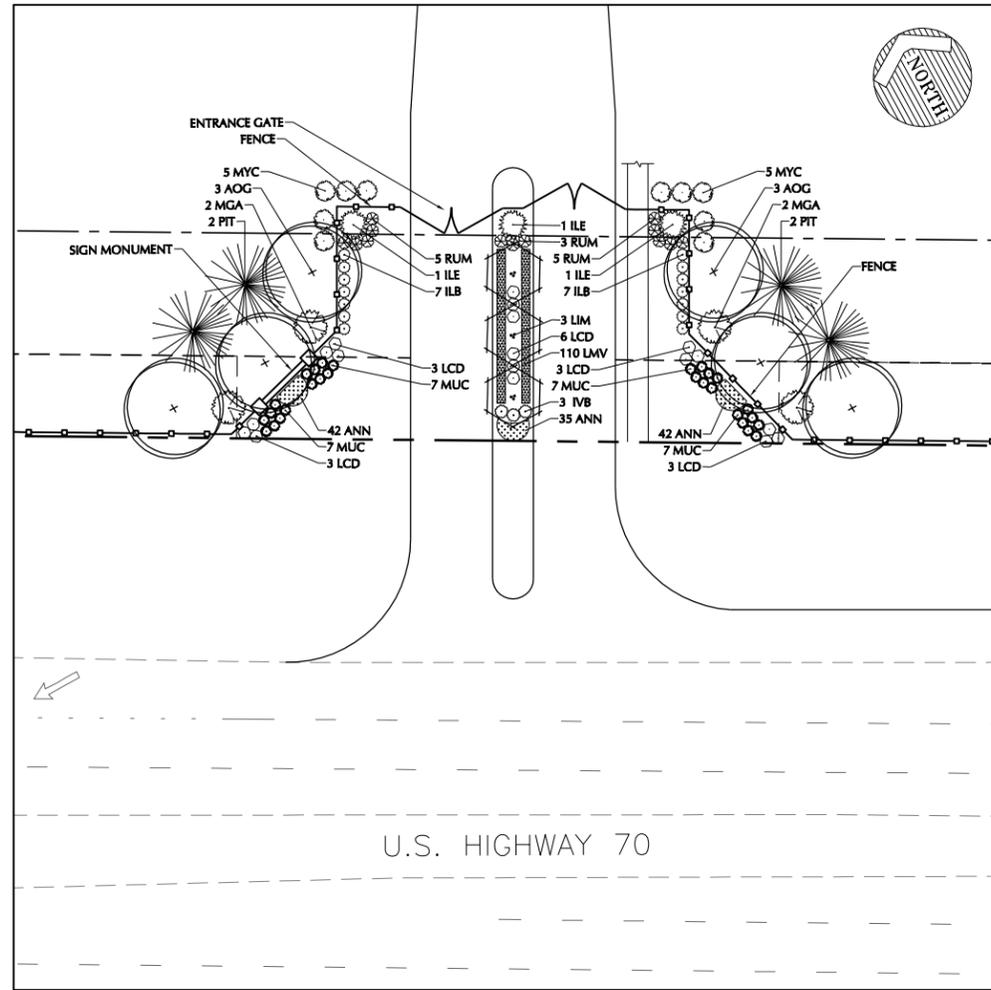
No.	Revision	Date	By
1	FIRST REVISIONS	10/08/13	TFW

Designer: TFW Scale: As Shown
 Drawn By: TFW Date: 09/27/13
 Checked By: LGS Job No.: 02130305

THE PROMENADE
Town of Clayton Johnston County North Carolina

MASTER PLAN DETAILS

WITHERS & RAVENEL
ENGINEERS | PLANNERS | SURVEYORS
115 MacKean Drive Cary, North Carolina 27511 tel: 919-469-3340 www.withersravenel.com License Page 67 of 151



PROMENADE (HWY 70) ENTRANCE PLANT SCHEDULE 11.08.13

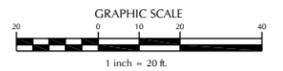
PLANT TYPE	QTY	KEY	BOTANICAL NAME	COMMON NAME	ROOT	CALIPER	HEIGHT	NOTES
TREES	6	AOG	<i>Acer rubrum</i> 'October Glory'	October Glory Red Maple	B&B	3"	12'-14'	MATCHED
	3	ILE	<i>Ilex</i> x 'Emily Bruner'	Emily Bruner Holly	B&B	3"	8'-10'	MATCHED
	3	LIM	<i>Lagerstroemia indica</i> 'Muskogee'	Muskogee Crape Myrtle	B&B	8'-10"	8'-10'	MULTI-STEM, MATCHED
	4	MGA	<i>Magnolia grandiflora</i> 'TMGH'	Alta Southern Magnolia	B&B	2"	8'-10'	MATCHED
	4	PIT	<i>Pinus taeda</i>	Loblolly Pine	B&B	2"	8'-10'	MATCHED
SHRUBS	14	ILB	<i>Ilex cornuta</i> 'Burfordii Nana'	Dwarf Burford Holly	CONT.	3 Gal.	18"-24"	36" O.C.
	3	IVB	<i>Ilex vomitoria</i> 'Bordeaux'	Bordeaux Dwarf Yaupon Holly	CONT.	3 Gal.	18"-24"	36" O.C.
	18	LCD	<i>Loropetalum chinense</i> 'Daruma'	Daruma Chinese Witchhazel	CONT.	3 Gal.	12"-18"	36" O.C.
	10	MYC	<i>Myrica cerifera</i>	Wax Myrtle	CONT.	3 Gal.	24"-36"	60" O.C.
	13	RUM	<i>Raphiolepis umbellata</i> 'Minor'	Minor India Hawthorn	CONT.	3 Gal.	18"-24"	36" O.C.
GROUND COVER	119	ANN	Seasonal Color Annuals	Annuals (replaced each year)	CONT.	flat	varies	12" O.C.
	110	LMU	<i>Liriope muscari</i>	Liriope	CONT.	1 Gal.	8"-12"	15" O.C.
	28	MUC	<i>Muhlenbergia capillaris</i>	Pink Muhly Grass	CONT.	3 Gal.	18"-24"	36" O.C.

PROMENADE (SHOTWELL) ENTRANCE PLANT SCHEDULE 11.07.13

PLANT TYPE	QTY	KEY	BOTANICAL NAME	COMMON NAME	ROOT	CALIPER	HEIGHT	NOTES
TREES	7	AOG	<i>Acer rubrum</i> 'October Glory'	October Glory Red Maple	B&B	3"	12'-14'	MATCHED
	10	ILE	<i>Ilex</i> x 'Emily Bruner'	Emily Bruner Holly	B&B	3"	8'-10'	MATCHED
	6	LIM	<i>Lagerstroemia indica</i> 'Muskogee'	Muskogee Crape Myrtle	B&B	8'-10"	8'-10'	MULTI-STEM, MATCHED
	2	MGA	<i>Magnolia grandiflora</i> 'TMGH'	Alta Southern Magnolia	B&B	2"	8'-10'	MATCHED
	5	PIT	<i>Pinus taeda</i>	Loblolly Pine	B&B	2"	8'-10'	MATCHED
SHRUBS	39	ILB	<i>Ilex cornuta</i> 'Burfordii Nana'	Dwarf Burford Holly	CONT.	3 Gal.	18"-24"	36" O.C.
	3	IVB	<i>Ilex vomitoria</i> 'Bordeaux'	Bordeaux Dwarf Yaupon Holly	CONT.	3 Gal.	18"-24"	36" O.C.
	31	LCD	<i>Loropetalum chinense</i> 'Daruma'	Daruma Chinese Witchhazel	CONT.	3 Gal.	12"-18"	36" O.C.
	6	MYC	<i>Myrica cerifera</i>	Wax Myrtle	CONT.	3 Gal.	24"-36"	60" O.C.
	15	RUM	<i>Raphiolepis umbellata</i> 'Minor'	Minor India Hawthorn	CONT.	3 Gal.	18"-24"	36" O.C.
GROUND COVER	137	ANN	Seasonal Color Annuals	Annuals (replaced each year)	CONT.	flat	varies	12" O.C.
	240	LMU	<i>Liriope muscari</i>	Liriope	CONT.	1 Gal.	8"-12"	15" O.C.
	16	MUC	<i>Muhlenbergia capillaris</i>	Pink Muhly Grass	CONT.	3 Gal.	18"-24"	36" O.C.

U.S. HIGHWAY 70 ENTRANCE PLANTING CONCEPT
SCALE: 1" = 20'

SHOTWELL ROAD ENTRANCE PLANTING CONCEPT
SCALE: 1" = 20'



No.	Revision	Date	By
1	FIRST REVISIONS	10/08/13	TFW

Designer	TFW	Scale	1" = 20'
Drawn By	TFW	Date	09/27/13
Checked By	LGS	Job No.	02130305

THE PROMENADE
Town of Clayton Johnston County North Carolina

ENTRANCE AREA CONCEPTUAL PLANTING PLAN

WITHERS & RAVENEL
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Sheet No.
3 OF 4

K:\13\13-0200\130305-Hwy_70 - Shotwell Road Area\CD\Network\Working_Land.dwg - Friday, November 08, 2013 8:40:26 AM - PLOTTER: ecbt

**TOWN OF CLAYTON
CONSISTENCY AND REASONABLENESS STATEMENT**

[PDD 2013-68]

THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES:

Section 1: PDD 2013-68 is consistent with the Town of Clayton Strategic Growth Plan.

Section 2: 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 155.703(H), Section 155.704(J) and/or~~ Section 155.705(J) of the Unified Development Code of the Town of Clayton, PDD 2013-68 is reasonable and in the public interest.

Duly approved by the Clayton Town Council this 2nd day of December 2013, while in regular session.

**Jody L. McLeod
Mayor**

ATTEST:

**Sherry L. Scoggins, MMC
Town Clerk**

TOWN OF CLAYTON

ACTION(S) REQUESTED BY THE TOWN COUNCIL

PDD 2013-68 has four items for consideration. Each item requires a separate motion by the Town Council.

MOTION GRANTING WASTEWATER ALLOCATION:

Council consideration of the following wastewater allocation request: In a letter from Withers & Ravenel dated 10/28/2013, the wastewater allocation request for the Promenade is 71,280 gpd.

MOTION GRANTING REZONING APPROVAL:

Council consideration of the rezoning request from PDD-C to PDD-R.

CONSISTENCY AND REASONABLENESS STATEMENT PDD-R 2013-68:

Council consideration of the Statement and Reasonableness statement included in the December 2, 2013, agenda packet.

MASTER PLAN APPROVAL:

Council consideration of the Master Plan with the conditions listed in the staff report.

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

Agenda Item: 8b

Meeting Date: 11/18/13

TITLE: PUBLIC HEARING FOR TEXT AMENDMENTS TO THE TOWN CODE OF ORDINANCES CHAPTER 155 FOR THE FOLLOWING SECTIONS: 310, 700, 701, 702, 716, 717, AND 720.

DESCRIPTION: Attached.

This item is slated for public hearing at the Monday, December 2, 2013, Council meeting.

The Clayton Town Council received an overview of the proposed amendments at its work session. The following sections were modified since the work session: 310, 717, and 720.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Text amendments (7).
12-02-13	Public Hearing.	Text amendments (7), Actions requested, & Statement of Consistency And Reasonableness.

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 155
Unified Development Ordinances

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 310 to read as follows:

§ 155.310 TELECOMMUNICATION FACILITIES

(A) PURPOSE AND LEGISLATIVE INTENT

The purpose of this Section is to establish general guidelines for the locating, collocating, modifying or upgrading of telecommunications towers, antenna, ground equipment and related accessory structures. It is the intent of this Section to:

- (1) Promote the health, safety, and general welfare of the public by regulating the locating of telecommunication facilities.
- (2) Minimize the impacts of telecommunication facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.
- (3) Encourage the location and collocation of telecommunication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional towers.
- (4) Accommodate the growing need and demand for new and upgraded telecommunication services.
- (5) Encourage coordination between suppliers and providers of personal telecommunication services.
- (6) Establish predictable and balanced codes governing the construction and location of telecommunications facilities within the confines of permissible local regulations.
- (7) Establish review procedures to ensure that applications for telecommunications facilities are reviewed and acted upon within a reasonable period of time as required by applicable state and federal regulations.
- (8) Respond to the policies embodied in the Telecommunications Act of 1996 so that no discrimination between providers of functionally equivalent personal wireless services occurs, or to prohibit or have the effect of prohibiting personal wireless services.
- (9) Respond to the policies in Section 6409 of the Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)).

- (10) Protect the character of the Town while meeting the needs of its citizens to enjoy the benefits of telecommunication services.
- (11) Encourage the use of public lands, buildings, and structures as locations for telecommunications infrastructure demonstrating concealed technologies and revenue generating methodologies.

(B) **AUTHORITY**

The provisions of this Section are permitted under authority granted by the General Assembly of the State of North Carolina with particular reference to Article 6 of Chapter 153A of the North Carolina General Statutes.

(C) **SPECIFIC TELECOMMUNICATION DEFINITIONS**

(1) **Alternative Structure**

A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including, but not limited to buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

(2) **Amateur Radio Tower**

Any tower used for amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.

(3) **Ancillary Structure**

Any form of development associated with a communications facility, including, but not limited to foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

(4) **Anti-Climbing Device**

A piece or pieces of equipment designed to prevent people from climbing the structure.

(5) **Antenna**

Any apparatus designed for the transmitting and/or receiving of communication signals, including, but not limited to telephonic, radio and television communications.

(6) **Antenna Array**

A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving communication signals.

(7) **Antenna Element**

Any antenna or antenna array.

(8) **Antenna Modification**

See collocation.

- (9) **Antenna Upgrade**
See collocation.
- (10) **ASR**
The Antenna Structure Registration Number as required by the FAA and FCC.
- (11) **Base Station**
The electronic equipment utilized at the base of a tower for the transmission and reception of communication signals.
- (12) **Breakpoint Technology**
The engineering design of a tower wherein a specified point on the tower is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point. In the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the tower.
- (13) **Broadcast Facilities**
Towers, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- (14) **Collocation**
The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same tower or attached communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.
- (15) **Combined Antenna**
An antenna or an antenna array designed and utilized to provide services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.
- (16) **Concealed**
A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with the natural environment or existing and proposed building(s) and uses on a site. There are two types of concealed facilities:
- (a) **Antenna Attachments.** These include painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.
 - (b) **Freestanding.** Freestanding concealed tower's usually have a secondary, obvious function which may include church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.
- (17) **Development Area**

The area occupied by a communications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.

(18) **Discontinued**

Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of 180 consecutive days.

(19) **Distributed Antenna System (DAS)**

A network of smaller, spatially separated antenna nodes located within the public right-of-way and installed on either existing or new utility poles and connected to a communications network. A DAS network splits the transmitted signal among several smaller antennas to provide coverage and reliability over the same area as a single traditional tower/ antenna.

(20) **Equipment Compound**

The fenced-in area surrounding the base station equipment including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.

(21) **Equipment Cabinet**

Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of communication signals.

(22) **FAA**

The Federal Aviation Administration.

(23) **FCC**

The Federal Communications Commission.

(24) **Feed Lines**

Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

(25) **Flush-Mounted**

Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

(26) **Geographic Search Ring**

An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

- (27) **Handoff Candidate**
A wireless communication facility that receives call transference from another wireless facility.
- (28) **Least Visually Obtrusive Profile**
The design of a communication facility and its equipment to present a visual profile that is the minimum profile necessary for the facility to properly function.
- (29) **Non-concealed**
A tower, ancillary structure, or equipment compound that is readily identifiable as such and can be either freestanding or attached.
- (30) **Personal Wireless Service**
Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996.
- (31) **Public Safety Communications Equipment**
All communications equipment utilized by a public entity for the purpose of ensuring the safety its citizens and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.
- (32) **Radio Frequency Emissions**
Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, tower, building, or other vertical projection.
- (33) **Radio Frequency Propagation Analysis**
Computer modeling to show the level of signal saturation in a given geographical area.
- (34) **Satellite Earth Station**
A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of communications signals with satellites.
- (35) **Structure**
Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.
- (36) **Tower**
Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, equipment cabinets, and may include a tower. The following developments shall be deemed a communications facility: new, mitigated, or existing towers, public towers, replacement towers, collocation on existing towers, attached wireless communications facilities, concealed wireless communication facilities, and non-

concealed wireless communication facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty feet. Types of support structures include the following:

1. **Guyed.** A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
2. **Lattice.** A tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
3. **Monopole.** A style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

(37) Tower Base

The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

(38) Tower Height

The vertical distance measured from finished grade to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

(39) Tower Site

The land area that contains, or will contain, a proposed tower, support structures and other related buildings and improvements.

(D) EXEMPTIONS

The following items are exempt from the provisions of this Section:

- (1) Any amateur radio tower less than 50 feet in height or communications towers existing or permitted prior to the adoption of this Section.
- (2) Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential zoning districts and two meters or less in all other zoning districts.
- (3) A government-owned communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from this Section beyond the duration of the state of emergency.

- (4) A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- (5) A temporary, commercial communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the Town, except that such facility must comply with all federal and state requirements. Said communications facility may be exempt from this Section for up to one week following the special event.

(E) **APPLICABILITY**

Unless specifically exempted above, this Section applies to development activity involving the installation, construction, or modification of all antenna and tower facilities. This includes but is not limited to:

- (1) Non-commercial, amateur radio station antennas.
- (2) Existing towers.
- (3) Proposed towers.
- (4) Public towers.
- (5) Mitigation of towers.
- (6) Collocation on existing towers.
- (7) Attached wireless communications facilities.
- (8) Concealed wireless communications facilities.
- (9) Non-concealed towers.
- (10) Broadcast facilities.

(F) **ABANDONMENT (DISCONTINUED USE)**

- (1) Towers, antennas, and the equipment compound shall be removed at the owner's expense should the facility/tower not have active antennas in use for a period of 180 days.
- (2) An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Town may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the tower or antenna is not removed within this time, the Town may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the Town may cause removal of the tower with costs being borne by the owner.

- (3) Upon removal of the tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed.

(G) **CONFLICT WITH OTHER LAWS OR REGULATIONS**

When the requirements of this Section conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of the Town, State or Federal Government, or deeds restrictions imposed by the developer or subdivider, the more stringent requirements shall govern.

(H) **INTERFERENCE WITH PUBLIC SAFETY COMMUNICATIONS**

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a collocation shall agree in a written statement to the following:

- (1) Compliance with “Good Engineering Practices” as defined by the FCC in its rules and regulations.
- (2) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- (3) In the case of an application for co-located telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant’s proposed facilities will not cause radio frequency interference with the Town’s public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.
- (4) Whenever the Town has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:
 - (a) The Town shall provide notification to all wireless service providers operating in the Town of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the Town and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.

- (b) If any equipment owner fails to cooperate with the Town in complying with the owner’s obligations under this section or if the FCC makes a determination of radio frequency interference with the Town public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the Town for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the Town to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the “Best Practices Guide” within 24 hours of Town’s notification.

(I) **BUILDING CODE REQUIREMENTS**

Towers shall be constructed and maintained in conformance with all applicable building code requirements.

(J) **ZONING PROCESS LEVELS**

Table 3-1 below indicates the zoning process for the different types of tower projects.

Table 3-1 Process

PROCESS LEVEL	APPROVAL AUTHORITY	PROCESS TYPE ¹	USE
I	Planning Department	P	Amateur radio no greater than fifty (50) feet in height
II	Planning Department	TRC	DAS network equipment, concealed towers, collocation, attached antennas, base station equipment
III	Town Council	TC	New towers other than those defined as concealed
IV	Town Council	TC	Broadcast facilities
Notes: 1. P - Permitted by right TRC - Subject to Technical Review Committee approval (staff level) TC - Subject to Special Use Permit approval by Town Council			

(1) **Process Level I**

The Zoning Compliance Permit issued by the Planning Department to an individual, corporation, partnership, or other entity to engage in the creation of amateur radio tower

(2) Process Level II

The Zoning Compliance Permit issued by the Planning Department (after Technical Review Committee approval) to an individual, corporation, partnership, or other entity to engage in the installation of DAS network equipment or concealed towers and collocation, attached antennas, base station equipment or antenna element replacements.

(3) Process Level III

The Special Use Permit issued by the Planning Department (after public hearing and approval by Town Council to an individual, corporation, partnership, or other entity to engage in the creation of new towers, excluding amateur radio towers.

(4) Process Level IV

The Special Use Permit issued by the Planning Department (after public hearing and approval by Town Council to an individual, corporation, partnership, or other entity to engage in the creation of new towers, specifically broadcast facilities.

(K) **LOCATING ALTERNATIVES ORDER**

(1) **Locating of New Antenna Array & New Towers**

Locating of a new antenna array and new tower shall be in accordance with the preferred location hierarchy provided in Table 3-2 below.

Table 3-2 Preferred Location Hierarchy

Ranking	Type
1	Concealed attached antenna
2	Collocated/combined/DAS antenna on existing tower
3	Replacement of existing tower
4	Non-concealed attached antenna
5	Concealed freestanding tower
6	Non-concealed freestanding tower

(2) **Locating of Attached, Collocated, DAS, and Combined Antenna**

For attached, co-located, or combined antenna, the order of ranking preference, highest to lowest, shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area,

higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(3) **Replacement of Existing Tower**

For replacement of an existing tower, the order of ranking preference from highest to lowest shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(4) **Freestanding Towers**

Where a freestanding tower is permitted, the order of ranking preference from highest to lowest shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required and demonstrate higher ranked options are not technically feasible, practical, or justified given the location of the proposed communications facility, and the existing land uses of the subject and surrounding properties within 300 feet of the subject property.

(L) **APPLICATION REQUIREMENTS**

All tower applications shall contain the following:

- (1) Completion of the Town of Clayton's Site Plan and Tower Application.
- (2) Proof that a property and/or tower owner's agent has appropriate authorization to act upon the owner's behalf, if applicable.
- (3) Application Fee.
- (4) Site Plan.
- (5) Written statement indicating that the criteria set forth in Section 155.310 (H) are met.
- (6) For new towers: A determination of need demonstrating that no existing tower can accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search area to be served by the proposed tower.
- (7) Valid FCC license / approval, as applicable.

(M) **GENERAL DEVELOPMENT STANDARDS**

- (1) **Visibility**

- (a) New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
- (b) New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
- (c) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the new tower. The applicant shall arrange to raise a colored balloon no less than three feet in diameter at the maximum height of the proposed tower, and within fifty horizontal feet of the center of the proposed tower.
- (d) The applicant shall meet the following for the required balloon test:
 - 1. Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least 14 days in advance.
 - 2. The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date.
 - 3. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.
 - 4. Re-advertisement will not be required if inclement weather occurs.
- (e) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (f) In residential zoning districts, new towers shall only be considered on lots whose principal use is not residential.

(2) **Construction**

- (a) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
- (b) Towers shall be constructed to accommodate antenna arrays as follows:
 - 1. All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four antenna arrays.

2. All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five antenna arrays.
 3. All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six antenna arrays.
- (c) Freestanding non-concealed tower shall be limited to monopole type towers, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

(3) Setbacks

Freestanding towers and equipment compounds shall be subject to the setbacks described below:

- (a) If the tower has been constructed using breakpoint design technology (see 'Definitions'), the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
- (b) If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

(4) Height

- (a) Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas. It is intended that all new non-broadcasting towers be 150 feet or less in height. However, should a tower be required in excess of 151 feet, under no circumstance shall any tower exceed 300 feet. All new towers in excess of 151 feet shall be subject to the following additional requirements:
 1. Evidence that the antenna service area will be so substantially compromised that there would be a requirement of additional antenna array within a distance of two miles.
 2. The tower shall be designed to allow for a future reduction of elevation to no more than 150 feet, or the replacement of the tower with a monopole type structure at such time as the wireless network had developed to the point that such heights can be justified.

- (b) New concealed towers shall be limited to 150 feet or less in height. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

(5) **Equipment Compound**

- (a) Equipment compounds shall be completely screened from view and shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
 - 1. Equipment cabinets shall be screened in accordance with Section 155.402(G)(4). Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

(6) **Parking**

Parking shall be required in accordance Section 155.401(C) of the UDC.

(7) **Fencing**

All equipment compounds shall be screened from view and enclosed with an opaque fence, masonry wall, landscaping, or combination thereof. Alternative equivalent screening may be approved through the site plan approval process described in Section 155.402 of the UDC.

(8) **Buffer**

The equipment compound shall be landscaped with a minimum 10 foot wide perimeter buffer containing the following planting standards:

- (a) All plants and trees shall be indigenous to eastern North Carolina.
- (b) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping with approval from the Planning Department.
- (c) One row of evergreen trees with a minimum two inch caliper, 25 foot on center.
- (d) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five foot on center.
- (e) Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed

alternative maximizes screening as provided above, and is otherwise consistent with the requirements of Section 155.402 of the UDC.

(9) **Signage**

Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be limited to the following:

- (a) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- (b) If 220 volts or more is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four inches, the following: "HIGH VOLTAGE - DANGER."
- (c) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(10) **Lighting**

Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.

- (a) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
- (b) Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

(N) **ADDITIONAL REQUIREMENTS FOR LEVEL II and LEVEL III FACILITIES**

(1) **Requirements for all Level II Facilities:**

- (a) Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.

- (b) Certification furnished by a registered professional engineer licensed in the State of North Carolina that the structure has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.
- (c) One original and two copies of a survey of the property completed by a registered professional surveyor, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (d) Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection, including but not limited to federal regulations regarding adjacent channel receiver (blanket) overload and intermodulation distortion.

(2) Collocation & Combination (Level II)

The Town requires collocation and combining of antennas on existing communications towers as a first priority where collocation is possible. Collocations are subject to the following additional requirements:

- (a) A collocated or combined antenna or antenna array shall not increase the height of an existing tower by more than 10 percent or 20 feet, whichever is greater.
- (b) New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (c) The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.
- (d) When a collocated or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- (e) Collocation and eligible facilities requests of wireless support structures described in Section 160A-400.53 North Carolina General Statutes, shall meet all the following requirements:
 - 1. The additional antenna array, transmission lines, and related ancillary equipment including the base station do not exceed the number of same items previously approved for such tower when originally approved, and the collocated facility is in complete conformance with the original conditions imposed on the tower upon which it is being attached.
 - 2. The proposed collocation shall not increase the overall height of the tower or support structure to which the proposed infrastructure is to be attached by the greater of (i) more than ten percent (10%) or (ii) the height of one additional

antenna array with separation from the nearest existing antenna not to exceed 20 feet.

3. The collocation shall not increase the ground space area approved in the communications tower site plan for equipment enclosures and ancillary facilities by more than 2,500 square feet.
 4. The collocation shall not, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, add an appurtenance to the body of a communications tower that protrudes horizontally from the edge of the tower the greater of (i) more than 20 feet or (ii) more than the width of the tower at the level of the appurtenance increase.
 5. The existing tower on which the collocation will attach shall comply with applicable regulations, restrictions, and/or conditions, if any, applied to the initial wireless facilities placed on the tower.
 6. The proposed additional collocation and tower shall comply with all federal, state, and local safety requirements.
 7. The proposed collocation and ancillary equipment shall not exceed the applicable weight limits for the tower.
- (f) Applications for collocation entitled to processing pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)) shall be approved provided they meet the following requirements:
1. A collocation on an existing antenna-supporting structure shall not increase the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 20 feet, whichever is greater, and shall not cause the width (girth) of the structure to be increased more than 20 feet or the existing girth of the structure, whichever is greater.
 2. Any collocation on an existing antenna-supporting structure shall meet current building code requirements (including windloading).
 3. A collocation shall not add more than four additional equipment cabinets or one additional equipment shelter.
 4. A collocation shall not require excavation outside of existing leased or owned parcel or existing easements.
 5. Proposed collocations that do not meet these standards shall be processed as a Level III application.

(g) Collocation approvals entitled to processing pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)) are subject to the following:

1. A collocation application shall be deemed complete unless the Town notifies the applicant within 45 days of submission (or within some other mutually agreed upon timeframe) that the submission is incomplete. Notices of application incompleteness shall identify the deficiencies in the application which, if cured, would make the application complete. Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by the 45th day after the submission is deemed complete.
2. Upon resubmitting of the revised application the Town shall follow the process identified in this section, above, until all deficiencies identified are deemed cured.
3. If the Town does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.
4. Applications subject to this review process shall not be subject to design or placement requirement, or public hearing review. All applications shall be initially submitted to the Planning Department for review and processing.

(h) New concealed and non-concealed towers shall be reviewed and have a decision rendered within 150 days of receipt of the application.

(3) Attachment: Concealed & Non-Concealed (Level II)

Antennas may be mounted onto a structure which is not primarily constructed for the purpose of holding attachment antennas but on which one or more antennas may be mounted. Attached antenna shall be subject to the following:

- (a) The top of the attached antenna shall not be more than 20 feet above the existing or proposed building or structure
- (b) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the Technical Review Committee and utility company.
- (c) When an attached antenna is to be located on a nonconforming building or structure, the existing permitted nonconforming setback shall prevail.
- (d) Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

(4) **Antenna Element Replacement (Level II)**

For any replacement of an existing antenna element on an antenna, the applicant must, prior to making such modifications, submit the following:

- (a) A written statement setting forth the reasons for the modification.
- (b) A description of the proposed modifications to the antenna, including modifications to antenna element design, type and number, as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.
- (c) A signed statement from a qualified person, together with their qualifications, shall be included representing the tower's owner or owner's agent that the radio frequency emissions comply with FCC standards for such emissions. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (d) A stamped or sealed structural analysis of the existing structure prepared by a registered professional engineer licensed by the State of North Carolina indicating that the existing tower as well as all existing and proposed appurtenances meets North Carolina Uniform Statewide Building Code (USBC) requirements, including wind loading, for the antenna support structure.

(5) **DAS Equipment (Level II)**

(a) **System Design Review**

A DAS applicant, prior to its initial application for a DAS facility, shall furnish an overall system design application to the Planning Department for review and approval by the Technical Review Committee. The system design application shall include the following information:

- 1. A statement of the identity and number of wireless services providers that will utilize the DAS systems;
- 2. A statement that the DAS system will be capable of accommodating at least eight (8) wireless service providers on the proposed system
- 3. A graphic depiction of the conceptual plan for the proposed total area of service coverage by the DAS system;
- 4. A statement of the number of handoff facilities for the DAS system;
- 5. A proposed build-out timeline and graphic depiction of the build-out phases through completion.

(b) Equipment Design Review

A DAS applicant, prior to its initial application for a DAS facility, shall furnish an equipment design application to the Planning Department for review and approval by the Technical Review Committee. The equipment design application shall include the following information for each proposed design:

1. Elevation of the antenna and/or antenna support structure to include the following proposed dimensions: height, width and breadth. Height shall include the base, the antenna support structure, and lightning rod.
2. Elevation views of any security barrier or equipment compound, indicating architectural design, exterior appearance and materials, including color.
3. Mounting location on antenna support structure or building, including height AGL).
4. Identification of all mounting frames, arms, brackets or other devices or equipment used to hold antennas and other equipment in place.
5. Equipment brochures or drawings for the proposed facility, shall be provided for antennas, support structures/mounts, equipment shelters, feed lines and security barrier, if any.
6. Photo-simulated post-construction renderings of a sampling of completed proposed DAS facilities, equipment compound and/or equipment cabinets, ancillary structures, and landscaping, if any, from locations determined at the pre-application conference. The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four vantage points (north, south, east, and west).
7. Individual sample site plan (no larger than 24 inches by 36 inches with an 8½ inch by 11 inch reduced copy) prepared and certified by a North Carolina-licensed professional engineer shall include all information listed on the DAS application checklist, and including existing or proposed public rights-of-ways, private roads and/or access easements through, on, or adjacent to the subject property.
8. Applicants should submit the information required by subsections (a) through (g) above for multiple designs that would be consistent with the prevailing design aesthetic in various Town, to be determined at the pre-application conference.

(c) **Individual Component Application and Approval**

Following approval of the DAS system design and DAS equipment design by the Technical Review Committee, a DAS applicant shall submit applications for individual DAS installations to the Planning Department for administrative approval provided the individual application provides documentation certifying it is consistent with the system design and equipment design standards previously approved in subsections (a) and (b) above.

(6) **Replacement of Existing Towers**

For a replacement of an existing tower with a new structure, the applicant must submit the following items outlined in subsection (7) below for new towers, including items (c) through (h), (k) through (p) and (r).

- (a) The height of a tower approved for replacement shall not exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated.
- (b) Level III: The height of a tower may exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated with evidence that the new tower will eliminate the need for an additional antenna array within a distance of two (2) miles. Under no circumstance shall any mitigated tower exceed a height of 300 feet.
 - 1. Height & Setbacks: A new tower approved for replacement of an existing tower shall not exceed one hundred and fifteen percent (115%) of the height of the existing tower and shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the tower owner for the change out of the old facility.
 - 2. Buffers: At the time of replacement, the tower equipment compound shall be brought into compliance with any applicable buffer requirements.
 - 3. Visibility: Replacement towers shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

(7) **New Towers (Level III)**

All new towers shall submit the following addition information as a part of a complete application:

- (a) A report and supporting technical data shall be submitted, demonstrating the following:
1. All antenna attachments and collocations, including all potentially useable cross country utility distribution towers and other elevated structures within the proposed service area and alternative antenna configurations have been examined, and found unacceptable.
 2. Reasoning as to why existing facilities such as cross country utility distribution and other elevated structures are not acceptable alternatives to a new freestanding tower.
 3. Reasoning as to why the adequacy of alternative existing facilities or the mitigation of existing facilities are not acceptable in meeting the applicant's need or the needs of service providers, indicating that no existing communications facility could accommodate the applicant's proposed facility shall consist of any of the following:
 - A. No existing towers located within the geographic area meet the applicant's engineering requirements, and why.
 - B. Existing towers are not of sufficient height to meet the applicant's engineering requirements, and cannot be mitigated to increase in height.
 - C. Existing towers do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
 - D. Other limiting factors that render existing wireless communications facilities unsuitable.
- (b) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of North Carolina or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.
- (c) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (d) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for Johnston County, North Carolina.

- (e) An affidavit by a radio frequency engineer demonstrating compliance with 'Locating Alternatives Order' located in Section 155.310(K) above. If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically feasible, practical, and/or justified given the location of the proposed communications facility.
- (f) Statement as to the potential visual and aesthetic impacts of the proposed tower and equipment on all adjacent residential zoning districts.
- (g) Written statement by a registered professional engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility.
- (h) Statement certifying that sound levels shall not exceed seventy decibels (70 db) at the related property line.
- (i) A map showing the designated search ring.
- (j) A radio frequency propagation plot indicating the coverage of existing antenna sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, collocation, or new tower.
 - 1. These documents are needed to verify the proposed parameters of a facility and to determine if the proposed location is the best suitable land use in the designated geographic area of the proposed facility in accordance with applicable state and federal standards for communications facility siting.
- (k) One original and two copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (l) Signed and sealed site plans shall include the following:
 - 1. Name of project and date.
 - 2. Deed Book, and Page and Map Book and Page Reference.
 - 3. Scale, north arrow, and vicinity map.
 - 4. Subject property information including zoning, watershed classification, and percent coverage of lot to be impervious surface (if located in a designated watershed area).
 - 5. Adjacent property information, including land owners, land uses, height of principal building, size of lots, zoning, and land use designation.

6. Tower elevations.
 7. Landscape buffering plans.
 8. Maximum height of the proposed tower and proposed and future mounting elevations of future antenna, including individual measurement of the base, the tower, and lightning rod.
 9. Location, classification, and size of all major public or private streets and rights-of-way.
 10. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features.
 11. Two reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
- (m) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (n) List of adjacent property owners and keyed to the map. The list must be from the most current ownership information supplied by the Town Tax Department, together with two sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (o) Simulated photographic evidence of the proposed tower and antenna appearance from any and all residential areas within 1,500 feet and vantage points approved by the Planning Department including the facility types the applicant has considered and the impact on adjacent properties. The simulations shall include depictions of:
1. Overall height
 2. Configuration
 3. Physical location
 4. Mass and scale
 5. Materials and color
 6. Illumination
 7. Architectural design

- (p) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Section.
- (q) A pre-application conference will be required for any new tower. The applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the Town as indicated on the list of wireless service providers provided by the Town:

“Pursuant to the requirements set forth in Section 155.310 of the Town of Clayton Unified Development Code, [TOWER PROVIDER] is hereby providing you with notice of our intent to meet with the Town Staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at _____ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a tower of _____ feet in height for the purpose of providing _____ (type of wireless service) _____. Please inform the Town staff if you have any desire for placing additional wireless facilities or equipment within two miles of our proposed tower. Please provide us with this information within 20 business days after the date of this letter. Your cooperation is sincerely appreciated.

Sincerely, (pre-application applicant, wireless provider)”

- (r) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and “Objects Affecting Navigable Airspace,” if applicable.

(O) **ADDITIONAL REQUIREMENTS FOR LEVEL IV (BROADCAST) FACILITIES**

(1) **Broadcast Facilities**

All new broadcast facilities shall submit the following addition information as a part of a complete application:

- (a) Technical data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application.
- (b) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.
- (c) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for Johnston County, North Carolina.

- (d) Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).
- (e) One original and two copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (f) Six sets (24"×36") of signed and sealed site plans shall include the following:
 - 1. Name of project and date
 - 2. Deed Book, and Page and Map Book and Page Reference
 - 3. Scale, north arrow, and vicinity map
 - 4. Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)
 - 5. Adjacent property information including land owners, land uses, height of principal building, size of lots, and existing zoning and land use
 - 6. Landscape buffering plans
 - 7. Maximum height of the proposed tower and/or antenna, including individual measurements of the base, tower, and lightning rod
 - 8. Location, classification, and size of all major public or private streets and rights-of-way
 - 9. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
 - 10. Two reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
 - 11. Structure elevations
- (g) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (h) List of property owners within 1,000 feet in residential zoning districts and 500 feet in all other zoning districts and keyed to the map. The list must be from the most current ownership information supplied by the Town Tax Department, together with two sets

of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.

- (i) A pre-application conference will be required for any new broadcast facility.
- (j) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

(2) **Supplemental Requirements for Broadcast Facilities**

All new broadcast facilities shall meet the following supplemental requirements:

(a) **Determination of Need**

No new broadcast facilities shall be permitted unless the applicant demonstrates that no existing broadcast tower can accommodate the applicant's proposed use.

(b) **Height**

Height for broadcast facilities shall be evaluated on a case by case basis. The determination of height contained in the applicant's FCC Form 351/352 Construction Permit or application for Construction Permit and an FAA Determination of No Hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.

(c) **Setbacks**

New broadcast facilities and anchors shall be subject to the setbacks described below:

1. Minimum of 500 feet from any single-family dwelling unit on same lot.
2. Minimum of one foot for every one feet of tower height from all adjacent lots of record.

(d) **Equipment Cabinets**

Except for AM broadcast facilities, cabinets shall not be visible from pedestrian and right-of-way views.

(e) **Fencing**

All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.

(f) **Buffer**

Except for AM broadcast facilities, it is the intent that all pedestrian views from public rights-of-way and adjacent residential land uses be screened from proposed broadcast facilities using existing vegetation or be landscaped with a minimum 10 foot wide perimeter buffer containing the following planting standards:

1. All plants and trees shall be indigenous to this part of North Carolina.
2. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Department.
3. One Row of evergreen trees with a minimum two inches caliper, 25 foot on center.
4. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five foot on center.
5. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

(P) **ADMINISTRATION, ENFORCEMENT, AND PENALTIES**

(1) **Administration**

This Section shall be administered and enforced by the Planning Director or designee. The Town may, through contract, secure the professional services of telecommunications consultants to assist Town staff in the implementation of this Section. Such professional services include, but are not limited to, review and evaluation of permit applications, determination of compliance with existing and proposed Federal regulations, minimization of the aesthetic impact, review of the technical data and expert testimony as needed.

(2) **Enforcement and Penalties**

If the Planning Director or designee shall find that any of the provisions of this Section are being violated, it shall notify in writing the person responsible for the violation, specifying the nature of the violation and what corrective measures must be taken. The Planning Director or designee shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other

action authorized by law to insure compliance with or to prevent violation of the provisions of this Section.

(3) **Penalties**

Any person failing to take corrective action within a reasonable time after receiving written notice from the Planning Department and any person operating a Communications Tower without a valid permit shall be guilty of a misdemeanor and subject to the enforcement provisions listed in Section 155.720 of the Unified Development Code.

(4) **Fees**

The Town Council shall set a fee, payable to the Town to cover the necessary processing cost of all Communications Tower Permits. The set fee shall be posted in the Town's Comprehensive List of Fees and Charges.

(5) **Supplemental Review**

The Town reserves the right to require a supplemental review for any Process Level (I, II, III, or IV) subject to the following:

- (a) Where due to the complexity of the methodology or analysis required to review an application for a Process Level (I, II, III or IV), the Town may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees. Schedules of current fees are listed in the Town Fee Schedule.
- (b) Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.
- (c) The supplemental review may address any or all of the following:
 - 1. The accuracy and completeness of the application and any accompanying documentation.
 - 2. The applicability of analysis techniques and methodologies.
 - 3. The validity of conclusions reached.
 - 4. Whether the proposed communication facility complies with the applicable approval criteria set forth in these codes.
 - 5. Other items deemed by the Town to be relevant to determining whether a proposed communications facility complies with the provisions of these codes.

Duly adopted by the Clayton Town Council this 2nd day of December 2013, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

ARTICLE 7: ADMINISTRATION

§ 155.700 REVIEW BODIES

(A) TOWN COUNCIL

(1) Establishment and Composition

The Town Council is established and composed pursuant to Chapter 30 of the Town's Code of Ordinances.

(2) Powers and Duties

In execution of the provisions of this Chapter, the Town Council shall be responsible for final action regarding the following:

- (a) Text Amendments (§ 155.703);
- (b) Rezoning (§ 155.704);
- (c) Planned Development Review (§ 155.705);
- (d) Preliminary Plat Review (§ 155.706);
- (e) Special Use Review (§ 155.711); and
- (f) Zoning Vested Rights (§ 155.718).

(B) PLANNING BOARD

(1) Establishment and Composition

The Planning Board is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

(2) Powers and Duties

In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

(a) General Authority

- 1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- 2. The Planning Board shall perform related duties as directed by the Town Council.

(b) Review Authority

The Planning Board shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);
4. Preliminary Plat Review (§ 155.706); and
5. Special Use Review (§ 155.711).

(c) **Final Authority**

The Planning Board shall be responsible for final action regarding the following:

1. Major Site Plan Review (§ 155.707); [and](#)
- ~~2. Sign permits for signs eight feet in height or taller (§ 155.713); and~~
- ~~3.~~[2.](#) Alternative means of compliance in the Thoroughfare Overlay District.

(C) **BOARD OF ADJUSTMENT**

(1) **Establishment**

The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

(2) **Composition**

(a) **Number and Term**

1. The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the Town's Extraterritorial Jurisdiction (ETJ); and each member is to be appointed for three years.
2. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

(b) **Membership**

1. Membership on the Board of Adjustment shall include representatives from the ETJ.

2. Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(c) **Alternate Members**

1. The Town Council may, in its discretion, appoint and provide compensation for two alternate members to serve on the Board of Adjustment in the absence of any regular member. One alternate member shall be from the Town and one alternate member shall be from the ETJ.
2. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.
3. Each alternate member, while attending any regular or special meeting and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

(d) **Attendance**

All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The secretary to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Clerk. The Town Clerk shall include the letter as an item on the next available Town Council meeting agenda requesting Council as a whole make a decision on this member's continued service to the Board.

(3) **Proceedings**

(a) **Meetings**

All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.

(b) **Minutes**

The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

(c) **Quorum**

A quorum shall consist of four members. If there are not seven regular members in attendance, one or both of the alternate members may hear and vote on any matter coming before the Board of Adjustment regardless of the geographical area in which the alternate member resides; however, the total voting membership shall not exceed seven members in any case.

(4) **Powers and Duties**

In execution of the provisions of this Chapter, the Board of Adjustment shall have the following powers and duties.

(a) **General Authority**

The Board of Adjustment may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

(b) **Final Authority**

The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional Use Review (§ 155.710);
2. Variances (§ 155.716); and
3. Administrative Appeals (§ 155.717); ~~and~~
4. ~~Interpretation of Zoning District boundaries.~~

(D) **PLANNING DIRECTOR**

(1) **Designation**

The Planning Director shall administer certain provisions of this Chapter as may be required below.

(2) **Delegation of Authority**

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.

(3) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Director shall have the following powers and duties.

(a) **General Authority**

1. The Planning Director may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

2. The Planning Director shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Director shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);
4. Preliminary Plat Review (§ 155.706);
5. Major Site Plan Review (§ 155.707);
6. Conditional Use Review (§ 155.710);

7. Special Use Review (§ 155.711);

~~7-8.~~ Alternative Sign Plans (§ 155.713);

~~Sign permits for signs eight feet in height or taller (§ 155.713);~~

~~8-9.~~ Variances (§ 155.716); and

~~9-10.~~ Zoning Vested Rights (§ 155.718).

(c) **Final Authority**

The Planning Director shall be responsible for final action regarding the following:

1. Minor Plat Review (§ 155.706);
2. Final Plat Review (§ 155.706);

3. Administrative Amendment(§ 155.707);

~~3-4.~~ Minor Site Plan Review (§ 155.707);

~~4-5.~~ Traffic Impact Analyses (§ 155.708);

~~5-6.~~ Zoning Permits (§ 155.709);

~~6-7.~~ Temporary Use Permits (§ 155.712);

~~7-8.~~ Sign Permits for signs under eight feet in height (§ 155.713);

8-9. ~~Master~~Common Signage Plans (~~§ 155.714~~§ 155.713); and

9-10. Written Interpretations (§ 155.715).

(E) **TECHNICAL REVIEW COMMITTEE**

(1) **Establishment and Composition**

The Technical Review Committee is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of the Chapter, the Technical Review Committee shall have the following powers and duties.

(a) Review authority. The Technical Review Committee shall review and provide comments regarding the following:

1. Planned Development Review (§ 155.705);
2. Minor Plat Review (§ 155.706);
3. Preliminary Plat Review (§ 155.706);
4. Final Plat Review (§ 155.706);
5. Minor Site Plan Review (§ 155.707); and
6. Major Site Plan Review (§ 155.707).

§ 155.701 SUMMARY OF REVIEW AUTHORITY.

Table 7-1 below summarizes review and approval authority under this chapter.

Table 7-1 Review and Approval Authority

	Technical Review Committee TRC	Planning Director PD	Board of Adjustment BOA	Planning Board PB	Town Council TC	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Subdivision Plat Review	Review	DECISION				§ 155.706
Preliminary Plat Review	Review	Review		Review	<DECISION>	§ 155.706
Final Plat Review	Review	DECISION				§ 155.706
Administrative Amendment		DECISION				§ 155.707
Minor Site Plan Review	Review	DECISION				§ 155.707
Major Site Plan Review	Review	Review		DECISION		§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		DECISION				§ 155.709
Conditional Use Review		Review	<DECISION>			§ 155.710
Special Use Review		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		DECISION				§ 155.712
Sign Permit (under 8-feet)		DECISION				§ 155.713
Sign Permit (8-feet-or-taller)		Review		DECISION		§ 155.713
Common Master Signage Plan		DECISION				§ 155.714 § 155.713
Alternative Sign Plan		Review			<DECISION>	§ 155.713
Written Interpretation		DECISION				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
<Public Hearing Required>						

§ 155.702 COMMON REVIEW PROCEDURES.

(A) PRE-APPLICATION CONFERENCE

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- (2) Unless waived by the Planning Director, A pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (155.715).

(B) NEIGHBORHOOD MEETING

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
 - (a) Rezoning (§ 155.704);
 - (b) Planned development review (§ 155.705);
 - (c) Major subdivision / Preliminary Plat review, (§ 155.706);
 - (d) Major site plan review (§ 155.707);
 - (e) Special use review (§ 155.711); and
 - (f) Conditional use review (§ 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.

(4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. ~~provide to the Planning Department all notice materials including stamped addressed envelopes in accordance with (D)(2)(c) of this section.~~ The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting. ~~;~~

~~(4)~~(5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant

~~(5)~~(6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.

~~(6)~~(7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) **APPLICATION REQUIREMENTS**

(1) **Forms**

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) **Fees**

(a) All applications and associated fees shall be filed with the Planning Department.

(b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.

(c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) **Application Deadline**

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) **Applications Sufficient For Processing**

(a) All applications shall be sufficient for processing before the Planning Department is required to review the application.

(b) An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Chapter.

(c) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may

rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

- (d) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

(5) Final Determinations On Sufficient Applications

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

(6) Concurrent Applications

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(D) NOTICE AND PUBLIC HEARINGS

(1) Summary Of Notice Required

Notice shall be required for applications for approval as shown in Table 7-2 below.

Table 7-2 – Public Notice Requirements

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707

Conditional Use Review	•	•	•	§ 155.710
Special Use Review	•	•	•	§ 155.711
Variance	•	•	•	§ 155.716
<u>Administrative Appeal</u>		<u>•</u>	<u>•</u>	<u>§ 155.717</u>

(2) **Public Notice Requirements**

(a) **Published Notice**

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

(b) **Posted Notice (Sign)**

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

(c) **Mailed Notice**

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes [to the Planning Department](#). The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:

- A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.
- B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) **Content of Notice**

~~The notice listed above shall contain the following specific information.~~

~~Published or mailed notice.~~—A published or mailed notice shall provide at least the following:

- A. Parcel identification number;
- B. The address of the subject property (if available);
- C. The general location of the land that is the subject of the application, which may include, a location map;
- D. A description of the action requested;
- E. Where a rezoning is proposed, the current and proposed districts;
- F. The time, date and location of the public hearing;
- G. A phone number to contact the Town; and
- H. A statement that interested parties may appear at the public hearing.

(3) **Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) **REQUIRED HEARINGS**

A public hearing shall be required for development review as shown in Table 7-3 below.

Table 7-3 Required Hearings

	Board of Adjustment BOA	Town Council TC	
Text Amendment		•	§ 155.703
Rezoning		•	§ 155.704
Planned Development		•	§ 155.705
Preliminary Plat		•	§ 155.706
Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
Alternative Sign Plan		•	§ 155.713
Variance	•		§ 155.716
Administrative Appeal	•		§ 155.717

(F) DECISIONS

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

(G) NOTICE OF DECISION

Within 14 days after a decision is made, a copy of the decision shall be ~~sent~~ [delivered](#) to the applicant [by personal delivery, electronic mail or first-class mail](#). ~~The decision shall also be~~ [and](#) filed with the Planning Department, ~~where it shall be~~ [and](#) available for public inspection during regular office hours.

(H) WITHDRAWAL OF APPLICATION

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.

-
- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
 - (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 155
Unified Development Ordinances

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Sections 700, 701, and 702 with the following:

ARTICLE 7: ADMINISTRATION

§ 155.700 REVIEW BODIES

(A) TOWN COUNCIL

(1) Establishment and Composition

The Town Council is established and composed pursuant to Chapter 30 of the Town’s Code of Ordinances.

(2) Powers and Duties

In execution of the provisions of this Chapter, the Town Council shall be responsible for final action regarding the following:

- (a) Text Amendments (§ 155.703);
- (b) Rezoning (§ 155.704);
- (c) Planned Development Review (§ 155.705);
- (d) Preliminary Plat Review (§ 155.706);
- (e) Special Use Review (§ 155.711); and
- (f) Zoning Vested Rights (§ 155.718).

(B) PLANNING BOARD

(1) Establishment and Composition

The Planning Board is established and composed pursuant to Chapter 32 of the Town’s Code of Ordinances.

(2) Powers and Duties

In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

(a) General Authority

1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
2. The Planning Board shall perform related duties as directed by the Town Council.

(b) Review Authority

The Planning Board shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);
4. Preliminary Plat Review (§ 155.706); and
5. Special Use Review (§ 155.711).

(c) Final Authority

The Planning Board shall be responsible for final action regarding the following:

1. Major Site Plan Review (§ 155.707); and
2. Alternative means of compliance in the Thoroughfare Overlay District.

(C) BOARD OF ADJUSTMENT

(1) Establishment

The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

(2) Composition

(a) Number and Term

1. The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the Town's Extraterritorial Jurisdiction (ETJ); and each member is to be appointed for three years.
2. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint

certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

(b) Membership

1. Membership on the Board of Adjustment shall include representatives from the ETJ.
2. Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(c) Alternate Members

1. The Town Council may, in its discretion, appoint and provide compensation for two alternate members to serve on the Board of Adjustment in the absence of any regular member. One alternate member shall be from the Town and one alternate member shall be from the ETJ.
2. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.
3. Each alternate member, while attending any regular or special meeting and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

(d) Attendance

All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The secretary to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Clerk. The Town Clerk shall include the letter as an item on the next available Town Council meeting agenda requesting Council as a whole make a decision on this member's continued service to the Board.

(3) Proceedings

(a) Meetings

All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.

(b) Minutes

The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

(c) **Quorum**

A quorum shall consist of four members. If there are not seven regular members in attendance, one or both of the alternate members may hear and vote on any matter coming before the Board of Adjustment regardless of the geographical area in which the alternate member resides; however, the total voting membership shall not exceed seven members in any case.

(4) **Powers and Duties**

In execution of the provisions of this Chapter, the Board of Adjustment shall have the following powers and duties.

(a) **General Authority**

The Board of Adjustment may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

(b) **Final Authority**

The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional Use Review (§ 155.710);
2. Variances (§ 155.716); and
3. Administrative Appeals (§ 155.717).

(D) **PLANNING DIRECTOR**

(1) **Designation**

The Planning Director shall administer certain provisions of this Chapter as may be required below.

(2) **Delegation of Authority**

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.

(3) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Director shall have the following powers and duties.

(a) **General Authority**

1. The Planning Director may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.
2. The Planning Director shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Director shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);
4. Preliminary Plat Review (§ 155.706);
5. Major Site Plan Review (§ 155.707);
6. Conditional Use Review (§ 155.710);
7. Special Use Review (§ 155.711);
8. Alternative Sign Plans (§ 155.713);
9. Variances (§ 155.716); and
10. Zoning Vested Rights (§ 155.718).

(c) **Final Authority**

The Planning Director shall be responsible for final action regarding the following:

1. Minor Plat Review (§ 155.706);
2. Final Plat Review (§ 155.706);
3. Administrative Amendment (§ 155.707);
4. Minor Site Plan Review (§ 155.707);
5. Traffic Impact Analyses (§ 155.708);

6. Zoning Permits (§ 155.709);
7. Temporary Use Permits (§ 155.712);
8. Sign Permits for signs under eight feet in height (§ 155.713);
9. Master Sign Plans (§ 155.713); and
10. Written Interpretations (§ 155.715).

(E) **TECHNICAL REVIEW COMMITTEE**

(1) **Establishment and Composition**

The Technical Review Committee is established and composed pursuant to Chapter 32 of the Town’s Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of the Chapter, the Technical Review Committee shall have the following powers and duties.

- (a) Review authority. The Technical Review Committee shall review and provide comments regarding the following:
1. Planned Development Review (§ 155.705);
 2. Minor Plat Review (§ 155.706);
 3. Preliminary Plat Review (§ 155.706);
 4. Final Plat Review (§ 155.706);
 5. Minor Site Plan Review (§ 155.707); and
 6. Major Site Plan Review (§ 155.707).

§ 155.701 SUMMARY OF REVIEW AUTHORITY.

Table 7-1 below summarizes review and approval authority under this chapter.

Table 7-1 Review and Approval Authority

	Technical Review Committee	Planning Director	Board of Adjustment	Planning Board	Town Council	
	TRC	PD	BOA	PB	TC	

Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Subdivision Plat	Review	DECISION				§ 155.706
Preliminary Plat	Review	Review		Review	<DECISION>	§ 155.706
Final Plat	Review	DECISION				§ 155.706
Administrative Amendment		DECISION				§ 155.707
Minor Site Plan	Review	DECISION				§ 155.707
Major Site Plan	Review	Review		DECISION		§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		DECISION				§ 155.709
Conditional Use		Review	<DECISION>			§ 155.710
Special Use		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		DECISION				§ 155.712
Sign Permit		DECISION				§ 155.713
Master Sign Plan		DECISION				§ 155.713
Alternative Sign Plan		Review			<DECISION>	§ 155.713
Written Interpretation		DECISION				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
<Public Hearing Required>						

§ 155.702 COMMON REVIEW PROCEDURES.

(A) PRE-APPLICATION CONFERENCE

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.

- (2) Unless waived by the Planning Director, A pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (155.715).

(B) **NEIGHBORHOOD MEETING**

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
 - (a) Rezoning (§ 155.704);
 - (b) Planned development review (§ 155.705);
 - (c) Major subdivision / Preliminary Plat review, (§ 155.706);
 - (d) Major site plan review (§ 155.707);
 - (e) Special use review (§ 155.711); and
 - (f) Conditional use review (§ 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- (4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting..
- (5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant
- (6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- (7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) **APPLICATION REQUIREMENTS**

- (1) **Forms**

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) Fees

- (a) All applications and associated fees shall be filed with the Planning Department.
- (b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.
- (c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) Application Deadline

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) Applications Sufficient For Processing

- (a) All applications shall be sufficient for processing before the Planning Department is required to review the application.
- (b) An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Chapter.
- (c) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
- (d) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

(5) Final Determinations On Sufficient Applications

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an

understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.

- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

(6) Concurrent Applications

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(D) NOTICE AND PUBLIC HEARINGS

(1) Summary Of Notice Required

Notice shall be required for applications for approval as shown in Table 7-2 below.

Table 7-2 – Public Notice Requirements

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707
Conditional Use Review	•	•	•	§ 155.710
Special Use Review	•	•	•	§ 155.711
Variance	•	•	•	§ 155.716
Administrative Appeal		•	•	§ 155.717

(2) Public Notice Requirements

- (a) **Published Notice**

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

(b) **Posted Notice (Sign)**

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

(c) **Mailed Notice**

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes to the Planning Department. The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:
 - A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.
 - B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) **Content of Notice**

A published or mailed notice shall provide at least the following:

- A. Parcel identification number;
- B. The address of the subject property (if available);
- C. The general location of the land that is the subject of the application, which may include, a location map;
- D. A description of the action requested;
- E. Where a rezoning is proposed, the current and proposed districts;
- F. The time, date and location of the public hearing;
- G. A phone number to contact the Town; and
- H. A statement that interested parties may appear at the public hearing.

(3) **Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) **REQUIRED HEARINGS**

A public hearing shall be required for development review as shown in Table 7-3 below.

Table 7-3 Required Hearings

	Board of Adjustment BOA	Town Council TC	
Text Amendment		•	§ 155.703
Rezoning		•	§ 155.704
Planned Development		•	§ 155.705
Preliminary Plat		•	§ 155.706
Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
Alternative Sign Plan		•	§ 155.713
Variance	•		§ 155.716
Administrative Appeal	•		§ 155.717

(F) **DECISIONS**

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

(G) **NOTICE OF DECISION**

Within 14 days after a decision is made, a copy of the decision shall be delivered to the applicant by personal delivery, electronic mail or first-class mail. The decision shall also be filed with the Planning Department and available for public inspection during regular office hours.

(H) **WITHDRAWAL OF APPLICATION**

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.
- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

Duly adopted by the Clayton Town Council this 2nd day of December 2013, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

§ 155.716 VARIANCE

(A) APPLICABILITY

- (1) The Board of Adjustment may vary certain requirements of this Chapter that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter, will, in an individual case, result in practical difficulty or unnecessary hardship. The Board of Adjustment shall ensure that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (2) The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance.

(B) APPLICATION REQUIREMENTS

An application for a variance shall be submitted in accordance with § 155.702(C).

(C) NOTICE AND PUBLIC HEARINGS

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(D) BURDEN OF PROOF

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

(E) ACTION BY PLANNING DIRECTOR

The Planning Director shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

(F) ACTION BY BOARD OF ADJUSTMENT

(1) **Procedure**

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. [A concurring vote of four-fifths of the Board is necessary to grant a variance.](#)
- (b) Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.
- (c) In approving the variance, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.

- (d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(2) **Findings of Fact**

No variance shall be approved by the Board of Adjustment unless all of the following findings are made:

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

~~(a) — There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this chapter unrealistic.~~

~~(b) — Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.~~

~~(c) — A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.~~

~~(d) — The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.~~

~~(e) — The special circumstances are not the result of the actions of the applicant.~~

~~(f) — The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.~~

~~(g) — The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.~~

~~(h) — The variance is not granted simply because by the granting the variance, the property could be utilized more profitably or that the developer/owner would save money.~~

~~(G) — Watershed protection.~~

~~(1) — An appeal to reverse or modify the order, decision, determination, or interpretation of the Planning Director shall comply with § 155.717.~~

~~(2) — A petition for variance to the standards of § 155.501, shall comply with the following:~~

~~(a) — Minor variances. — Minor variances shall include petitions for the reduction of any standard of the § 155.501, by a factor of less than 10%, except residential density or impervious surface area.~~

~~(b) — Major variances.~~

~~1. — Petitions for the reduction of any standard of the § 155.501, by a factor of 10% or more; and~~

~~2. — Petitions to increase residential density or impervious surface area.~~

~~(c) — Approval procedures.~~

~~1. — Prior to the Board of Adjustment meeting, the Planning Director shall notify in writing the Towns of Smithfield, Selma and Wilsons Mill, and Johnston County of the variance being requested. Written responses from any of these local governments using the Neuse River as a water supply shall become a permanent part of the records.~~

~~2. — Minor variances shall be approved by the Board of Adjustment in accordance with (B) through (F) of this section.~~

~~3. — Major variances shall comply with (B) through (F) of this section except that:~~

~~A. — A decision by the Board of Adjustment to approve a major variance shall be advisory only. The Planning Director shall, within 30 days, forward a record of the Board of Adjustment hearing, findings, and conclusions to the appropriate state agency for final decision.~~

~~B. — The Board of Adjustment may advise approval of a major variance petition upon satisfying the findings of (F)(2) of this section, or upon the finding that significant community economic or social benefit would be derived from the granting of the variance.~~

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

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 155
Unified Development Ordinances

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 716 to read as follows:

§ 155.716 VARIANCE

(A) APPLICABILITY

- (1) The Board of Adjustment may vary certain requirements of this Chapter that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter, will, in an individual case, result in practical difficulty or unnecessary hardship. The Board of Adjustment shall ensure that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (2) The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance.

(B) APPLICATION REQUIREMENTS

An application for a variance shall be submitted in accordance with § 155.702(C).

(C) NOTICE AND PUBLIC HEARINGS

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(D) BURDEN OF PROOF

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

(E) ACTION BY PLANNING DIRECTOR

The Planning Director shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

(F) ACTION BY BOARD OF ADJUSTMENT

(1) Procedure

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. A concurring vote of four-fifths of the Board is necessary to grant a variance.

- (b) Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.
- (c) In approving the variance, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.
- (d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(2) **Findings of Fact**

No variance shall be approved by the Board of Adjustment unless all of the following findings are made:

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

Duly adopted by the Clayton Town Council this 2nd day of December 2013, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

155.717 ADMINISTRATIVE APPEALS

(A) APPLICABILITY

An appeal by any person aggrieved by a final order, interpretation or decision of the Planning Director or other administrator of this chapter in regard to the provisions of this chapter may be taken to the Board of Adjustment.

(B) APPLICATION REQUIREMENTS

(1) An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Planning Director and the Board of Adjustment.

(2) An application for appeal of an administrative decision shall be submitted in accordance with § 155.702(C).

(3) A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Planning Director. The date and time of filing shall be entered on the notice.

(4) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

~~(3)~~

(C) APPEAL DEADLINE ~~for submission of application~~

~~1-(1)~~ An appeal of an administrative decision shall may be filed by the Town or by a person with standing under G.S. 160A-393(d). The appeal request must be received by with the Board of Adjustment Town Clerk within 30 days of receipt of the decision-written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

~~2-~~ (a) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.

(D) NOTICE AND PUBLIC HEARINGS

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(E) **ACTION BY PLANNING DIRECTOR**

The Planning Director or designee shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(F) **ACTION BY BOARD OF ADJUSTMENT**

- (1) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.
- (2) A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- (3) If a motion to reverse or modify is not made, ~~or~~ or a motion fails to receive ~~the four-fifths~~ a majority vote from ~~of board~~ members eligible to vote, then the appeal shall be denied.
- (4) Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

(G) **EFFECT OF APPEAL**

- (1) An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this chapter. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.
- (2) An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this chapter are stayed.

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

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 155
Unified Development Ordinances

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 717 to read as follows:

155.717 ADMINISTRATIVE APPEALS

(A) APPLICABILITY

An appeal by any person aggrieved by a final order, interpretation or decision of the Planning Director or other administrator of this chapter in regard to the provisions of this chapter may be taken to the Board of Adjustment.

(B) APPLICATION REQUIREMENTS

- (1) An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Planning Director and the Board of Adjustment.
- (2) An application for appeal of an administrative decision shall be submitted in accordance with § 155.702(C).
- (3) A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Planning Director. The date and time of filing shall be entered on the notice.
- (4) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(C) APPEAL DEADLINE

- (1) An appeal of an administrative decision may be filed by the Town or by a person with standing under G.S. 160A-393(d). The appeal request must be received by the Town Clerk within 30 days of receipt of written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
 - (a) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10

days. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.

(D) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(E) **ACTION BY PLANNING DIRECTOR**

The Planning Director or designee shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(F) **ACTION BY BOARD OF ADJUSTMENT**

- (1) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.
- (2) A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- (3) If a motion to reverse or modify is not made, or a motion fails to receive a majority vote from board members eligible to vote, then the appeal shall be denied.
- (4) Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

(G) **EFFECT OF APPEAL**

- (1) An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this chapter. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.
- (2) An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this chapter are stayed.

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

Duly adopted by the Clayton Town Council this 2nd day of December 2013, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

§ 155.720 ENFORCEMENT.

(A) ENFORCEMENT OF PROVISIONS.

The Planning Director, ~~or his or her designees and Code Enforcement Officer shall be~~ are charged with the enforcement of the provisions of this ~~C~~chapter. If the Planning Director or ~~a Code Enforcement Officer~~ designee finds that any of the provisions of this ~~C~~chapter are being violated, he or she shall notify in writing the persons responsible for such violations, indicating the nature of violation and ordering the actions necessary to correct it. They shall also take any other action authorized by this ~~C~~Chapter to ensure compliance with or to prevent the violation of its provisions.

(B) PENALTY/APPLICABILITY

⋮

- (1) In accordance with G.S. § 160A-175 and § 10.98 of the Town's Code of Ordinances, any person violating any provisions of this ~~C~~chapter ~~must remedy the violation. Violations are considered a civil penalty, and violators are~~ shall be guilty of a misdemeanor required to pay a separate penalty for each violation until the provisions of this Chapter are met, ~~and upon conviction shall be punished for each offense by a fine by imprisonment. Each day that a violation fails to comply with a provision of this Chapter is considered a separate and distinct violation. Each day a violation continues shall be deemed a separate offense.~~
- (2) In case ~~any~~ building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or ~~a~~ ny building, structure, or land is used in violation of this ~~C~~chapter, the Planning Director, ~~Code Enforcement Officer~~, or ~~any other appropriate Town authority~~ his or her designees, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.
- (3) ~~The following penalties as set forth in the General Statutes shall also prevail:~~ In accordance with G.S. § 160A-375, "Penalties for Transferring Lots in Unapproved Subdivisions"; ~~any person who, being the owner or agent of the owner of any land located within the jurisdiction of that city~~ the Town, thereafter subdivides his land in violation of the subdivision requirements set forth in the Town's Unified Development Code ordinance, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under ~~such ordinance in accordance with the UDC~~ and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The ~~city~~ Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the ~~subdivision ordinance~~ UDC."

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

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 155
Unified Development Ordinances

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 720 to read as follows:

§ 155.720 ENFORCEMENT

(A) ENFORCEMENT OF PROVISIONS

The Planning Director, or his or her designees are charged with the enforcement of the provisions of this Chapter. If the Planning Director or a designee finds that any of the provisions of this Chapter are being violated, he or she shall notify in writing the persons responsible for such violations, indicating the nature of violation and ordering the actions necessary to correct it. They shall also take any other action authorized by this Chapter to ensure compliance with or to prevent the violation of its provisions.

(B) APPLICABILITY

- (1) In accordance with G.S. § 160A-175 and § 10.98 of the Town's Code of Ordinances, any person violating any provision of this Chapter must remedy the violation. Violations are considered a civil penalty, and violators are required to pay a separate penalty for each violation until the provisions of this Chapter are met. Each day that a violation fails to comply with a provision of this Chapter is considered a separate and distinct violation.
- (2) In case a building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or a building, structure, or land is used in violation of this Chapter, the Planning Director, , or his or her designees, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.
- (3) In accordance with G.S. § 160A-375, "Penalties for Transferring Lots in Unapproved Subdivisions", any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Town, subdivides his land in violation of the subdivision requirements set forth in the Town's Unified Development Code, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under in accordance with the UDC and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the UDC.

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

Duly adopted by the Clayton Town Council this 2nd day of December 2013, 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: 9a

Meeting Date: 12/02/13

TITLE: RECOMMENDATION FOR THE PROPOSED DONATION TRACTS OF COBBLESTONE SUBDIVISION.

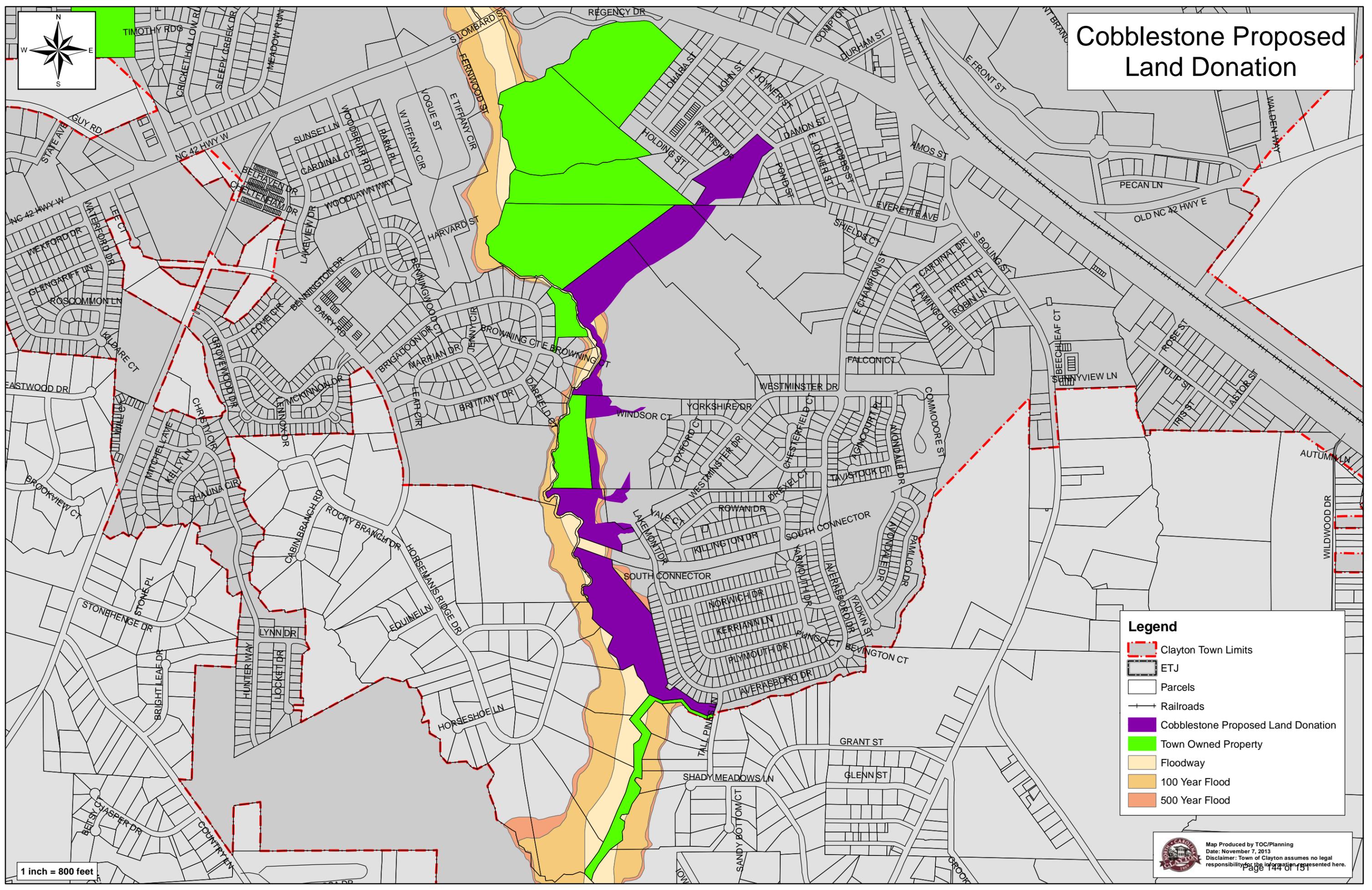
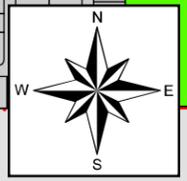
DESCRIPTION: The owners, BMV LLC and HLMRVT LLC, propose the donation of the following tracts from the Cobblestone Subdivision with a total acreage of 41.9 +/- acres.

RELATED GOAL: Expand Leisure Opportunities & Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Spreadsheet & Maps.
12-02-13		Map of proposed Land donation and Town Owned properties.

Cobblestone Proposed Land Donation



Legend

- Clayton Town Limits
- ETJ
- Parcels
- Railroads
- Cobblestone Proposed Land Donation
- Town Owned Property
- Floodway
- 100 Year Flood
- 500 Year Flood

1 inch = 800 feet

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

Agenda Item: 10a

Meeting Date: 12/02/13

TITLE: DISCUSSION OF SCHEDULING AND LOGISTICS FOR THE 2013-2014 COUNCIL RETREAT.

DESCRIPTION:

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

12-02-13

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

Agenda Item: 10b

Meeting Date: 12/02/13

TITLE: RESOLUTION AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY AT PUBLIC AUCTION.

DESCRIPTION: The request is authorization to hold a surplus auction via public electronic auction system provided by Gov Deals Inc.

Included in the resolution is a request to notice for public auction is by electronic means in accordance with NC GS 160A-270(c).

If it is the pleasure of the Council to approve the resolution, then the notice for public auction by electronic means would be posted on the Town website on December 3, 2013, and the auction would begin December 16, 2013.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-02-13	Presentation.	Resolution.

**TOWN OF CLAYTON
RESOLUTION AUTHORIZING THE SALE OF
CERTAIN PERSONAL PROPERTY AT PUBLIC AUCTION**

WHEREAS, the Town Council of the Town of Clayton desires to dispose of certain surplus property of the Town; and

WHEREAS, the Town Council of the Town of Clayton desires to utilize the auction services of an Internet-based auction system

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

1. The following described property is hereby declared to be surplus to the needs of the Town:

Vin./Serial #	Description
	3 - Siren/light switch box-Model # SW400SSJ
	3 - Siren/light switch box-Model # PA400SSA
	1 - Siren/light switch box-Model # PA300
	1 - Siren/light switch box-Model # SW300-012B
	1 - Siren/light switch box-Model # SW300-012D
	7 – Crown Vic consoles w/arm rest
	15 – Crown Vic Jotto Desk computer mounts
	6 – Crown Vic Vector light bars
	6 – Crown Vic vehicle parts
	11 – Crown Vic strobe lights w/wiring
	2 – Altistart 46 soft start-Model # ATS46C11N
ES-16553	VHS eyewitness video camera
ES-10384	VHS eyewitness video camera
ES-10385	VHS eyewitness video camera
EU-2012	VHS eyewitness video camera
KS31613	K&F drill press-Model # KF-13F
2FAFP71W66X157615	2006 Ford Crown Vic

2FAFP71W16X157621 2006 Ford Crown Vic

2FAFP71W6XX151573 1999 Ford Crown Vic

4DFT506125NO11734 1995 Dolly w/winch kit

2. The Finance Director or his designee is authorized to receive, on behalf of the Town Council, bids via public electronic auction for the purchase of the described property.
3. The public electronic auction will be held beginning no earlier than December 16, 2013 [resolution shall be published at least 10 days before the date of auction].
4. The Town Council further authorizes the disposal of Town surplus property by use of a public electronic auction system provided by GovDeals Inc. The property for sale can be viewed at www.govdeals.com. Citizens may bid on the property at the same website. The terms of the sale shall be: All items are sold as is, where is, with no express or implied warranties; All items will be sold for cash or certified check only; Payment must be received for all items sold before they may be removed from the premises; All items sold must be paid for and removed from the site of the sale within 5 business days of the sale, or they will be subject to resale.
5. The Town Clerk shall cause a notice of the public auction for surplus property to be noticed by electronic means in accordance with NC G.S. 160A-270(c), available on the Town of Clayton website: www.townofclaytonnc.org.
6. The highest bid, if it complies with the terms of the sale, may be accepted by the Finance Director or his designee and the sale consummated.

Duly adopted by the Clayton Town Council this 2nd day of December 2013, while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 11c

Meeting Date: 12/02/13

TITLE: TOWN CLERK

DESCRIPTION: Ethics Training opportunities for “newly” elected officials

In accordance with NC GS 160A-87, Ethics education program required, the School and Government and North Carolina League of Municipalities are offering the following opportunities for new and veteran elected officials to receive educational programming that includes the required two clock hours of ethics training for those newly elected and those re-elected.

The following Town of Clayton elected officials will need to complete the ethics training within the 12 months after election:

- Councilman Michael Grannis
- Councilman Art Holder
- Councilman Bob Satterfield

Educational sessions for the Essentials of Municipal Government are available:

- Asheville - January 8-9 2014 (Wed/Thu)
- New Bern - January 23-24 2014 (Thu/Fri)
- Chapel Hill - January 31-February 1 2014 (Fri/Sat)
- Hickory - February 19-20 2014 (Wed/Thu)
- Wilmington - February 24-25 2014 (Mon/Tue)

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-02-13	N/A.	Essentials of Municipal Government Overview.

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 11c

Meeting Date: 12/02/13

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Planning Board Mtg – Monday, November 25, 2013 @ 6:00 PM
- Recreation Advisory Committee Mtg – Monday, November 25, 2013, @ 7:00 PM at the Clayton Community Center, 715 Amelia Church Road
- Thanksgiving Holiday – Thursday, November 28, 2013 & Friday, November 29, 2013
- Shop Local Clayton Day – Saturday, November 30, 2013
- Council Mtg (Organizational Mtg) – Monday, December 2, 2013 @ 6:30 PM
- Christmas Village & Tree Lighting Event – Thursday, December 5, 2013 from 5:30 PM to 8:30 PM
- The Clayton Center Palladian Series: It's a Wonderful Life (Live from WVU Radio Theatre) – Saturday, December 7, 2013 @ 8 PM
- Downtown Development Association Mtg – Monday, December 9, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Parks & Recreation Santa's Workshop – hosted at the Clayton Community Center on Saturday, December 14, 2013 from 10 AM to 12 noon [two canned goods per child]
- Clayton Christmas Parade
(<http://business.claytonchamber.com/Events/details/the-clayton-christmas-parade-12-14-2013-336>) – Saturday, December 14, 2013 @ 3 PM
- The Clayton Center Palladian Series: The Tar River Swing Band (Holiday Favorites) – Saturday, December 14, 2013 @ 8 PM
- Council Mtg – Monday, December 16, 2013 @ 6:30 PM
- ~~Board of Adjustment Mtg – Wednesday, December 18, 2013 @ 6 PM -~~
CANCELLED
- Live Nativity Scene - Thursday, December 19, 2013 and Friday, December 20, 2013 from 6 PM to 8 PM in the grassy lot across from Clayton First Baptist Church bordered by Fayetteville, O'Neil and W Hinton Streets [temporary closure of North Fayetteville Street between W Whitaker and W Hinton Streets]
- ~~Planning Board Mtg – Monday, December 23, 2013 @ 6:00 PM – Cancelled~~
- Christmas Holiday – Tuesday, December 24, 2013; Wednesday, December 25, 2013; & Thursday, December 26, 2013
- New Year's Day Holiday – Wednesday, January 1, 2014
- Council Mtg – Monday, January 6, 2014 @ 6:30 PM
- Youth Art Month Recognition and Reception hosted by the co-hosted by The Woman's Club of Clayton and the Clayton Visual Arts – Thursday, January 9, 2014 @ 6 PM at the Clayton Center, 111 E 2nd Street
- Martin Luther King Jr.'s Birthday Holiday – Monday, January 20, 2014

- Council Mtg – **WEDNESDAY**, January 22, 2014 @ 6:30 PM
- The Clayton Center Palladian Series: Junior Brown – Saturday, January 25, 2014 @ 8 PM
- Clayton Chamber Annual Meeting – Tuesday, January 28, 2014, @ 6 PM at the Clayton Center, 111 E 2nd Street
- Council Mtg – Monday, February 3, 2014 @ 6:30 PM
- The Clayton Center Palladian Series: The Hot Club of San Francisco (Meet Me in Paris) – Friday, February 14, 2014 @ 8 PM
- Council Mtg – Monday, February 17, 2014 @ 6:30 PM
- Council Mtg – Monday, March 3, 2014 @ 6:30 PM
- Cooper Elementary PTA Run for the Rockets community event – Saturday, March 8, 2014 from 9 AM to 12 noon
- Spring Forward: 2014 Daylight Saving Time begins – Sunday, March 9, 2014, at 2 AM
- The Clayton Center Palladian Series: The Celtic Tenors – Saturday, March 15, 2014 @ 8 PM
- Council Mtg – Monday, March 17, 2014 @ 6:30 PM
- The Clayton Center presents: Schoolhouse Rock Live! – Saturday, April 5, 2013 @ 3 PM
- Council Mtg – Monday, April 7, 2014 @ 6:30 PM
- The Clayton Center Palladian Series: James Gregory (The Funniest Man in America!) – Friday, April 11, 2014 @ 8 PM
- Good Friday Holiday – Friday, April 18, 2014
- Council Mtg – Monday, April 21, 2014 @ 6:30 PM
- Council Mtg – Monday, May 5, 2014 @ 6:30 PM
- Council Mtg – Monday, May 19, 2014 @ 6:30 PM
- Memorial Day Holiday – Monday, May 26, 2014
- Council Mtg – Monday, June 2, 2014 @ 6:30 PM
- NCLM Town Hall Day – Wednesday, June 4, 2014
- Council Mtg – Monday, June 16, 2014 @ 6:30 PM
- Independence Day Holiday – Friday, July 4, 2014
- Council Mtg – Monday, July 7, 2014 @ 6:30 PM
- Council Mtg – Monday, July 21, 2014 @ 6:0 PM
- Labor Day Holiday – Monday, September 1, 2014
- NCLM Annual Conference – October 12-14, 2014; Greensboro, NC
- Fall Back: 2014 Daylight Saving Time ends – Sunday, November 2, 2014, at 2 AM
- Veteran's Day Holiday – Tuesday, November 11, 2014
- Thanksgiving Day Holiday – Thursday, November 27, 2014 & Friday, November 28, 2014
- Christmas Holiday – Wednesday, December 24, 2014; Thursday, December 25, 2014; & Friday, December 26, 2014

Date:
12-02-13

Action:
N/A

Info. Provided:
Calendar of Events