

AN ORDINANCE TO ENACT THE "CODIFY CLAYTON" UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Town of Clayton 2045 Comprehensive Growth Plan ("Growth Plan") and the Future Land Use Map ("Land Use Map") will guide the growth, development and investment made in the Town of Clayton over the next twenty (20) years; and,

WHEREAS, the Town has not completed a major revision to the Unified Development Code (UDC) since the current code was adopted by Town Council on November 21, 2005; and,

WHEREAS, the Growth Plan, adopted by Town Council on November 15, 2021, called for a comprehensive update to the UDC to occur within 1-2 years of adoption; and,

WHEREAS, Town Council directed staff to commence a comprehensive update of the Unified Development Code on November 15, 2021; and,

WHEREAS, the "Codify Clayton" Unified Development Ordinance (UDO) is a Town-wide effort to consolidate and update Sections 51.01, 51.03, 51.20, and 51.21 and Chapters 151, 155, 156, and 158 of the Town of Clayton Code of Ordinances into one comprehensive document which will guide the Town's growth and development; and,

WHEREAS, On September 25, 2023, the Planning Board unanimously recommended approval of the "Codify Clayton" UDO public draft for a new Unified Development Ordinance for the Town of Clayton and its extraterritorial jurisdiction with staff recommended changes; and,

WHEREAS, the "Codify Clayton" UDO incorporates the best of the existing code with contemporary best practices into a set of regulations designed to guide the Town's future growth, development, and investment consistent with the 2045 Comprehensive Growth Plan; and,

WHEREAS, the Town Council finds this request to adopt the UDO in full, is consistent with the Town of Clayton 2045 Comprehensive Growth Plan in that it directly addresses several plan recommendations and goals;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON THAT:

Section 1. The "Codify Clayton" UDO Public Draft, released on September 11, 2023, and presented for a Town Council public hearing on October 16, 2023, together with the recommendation from the Planning Board on September 25, 2023, and the revisions directed by the Town Council, collectively called the Unified Development Ordinance (UDO), are hereby adopted and enacted into the Town Code on November 20, 2023. The UDO shall be codified into the Town Code upon adoption.

Section 2. That adoption of the UDO is consistent with the Town of Clayton's adopted policy guidance, is reasonable, and is in the public interest for the protection of the public's health, safety, and welfare.

Section 3. The UDO, as further set forth by this ordinance, shall be effective beginning January 2, 2024.

Section 4. Upon the effective date of January 2, 2024, the following chapters, articles, sections, and appendix of the Town Code are repealed in their entirety:

- i. Chapter 151: Flood Damage Prevention Code;
- ii. Chapter 155: Unified Development Code;
- iii. Chapter 156: Soil Erosion and Sedimentation Control; and
- iv. Chapter 158: Stormwater Management.

Section 5. Upon the effective date of January 2, 2024, the following sections from Chapter 51 of the Town Code are repealed in their entirety:

- i. Section 51.01 General Principles;
- ii. Section 51.03 General Extension Requirements;
- iii. Section 51.20 Application by Property Owner/Developer; and
- iv. Section 51.21 Discretion of Town.

Section 7. Upon the effective date of January 2, 2024, areas mapped on the Official Zoning Map with a conditional zoning district retain all applicable conditions of approval, and that any approved master/site plan conditions remain in effect under the zoning ordinance regulations in place at the time of adoption of the conditional zoning district.

Section 8. Upon the effective date of January 2, 2024, areas mapped on the Official Zoning Map as a conventional zoning district, are translated to a new UDO zoning district as shown in the table below:

Zoning District Translation	
Previous Conventional Zoning District	UDO Zoning District
R-E (Residential Estate)	RLL (Residential Large Lot)
R-10 (Single-Family Residential 10)	RLD (Residential Low Density)
R-8 (Single-Family Residential 8)	RMD (Residential Medium Density)
R-6 (Single-Family Residential 6)	RHD (Residential High Density)
O-R (Office Residential)	OFI (Office Institutional)
O-I (Office Institutional)	
B-1 (Central Business)*	DTNC (Downtown)
B-2 (Neighborhood Business)	NCM (Neighborhood Commercial)
B-3 (Highway Business)	CRM (Corridor Commercial)
I-1 (Industrial Light)	LID (Light Industrial)
I-2 (Industrial Heavy)	HID (Heavy Industrial)
PF (Public Facilities)	PUB (Public Facilities)
CZ-R (Residential Conditional)	CZR (Conditional Residential)
CZ-I (Industrial Conditional)	CZI (Conditional Industrial)
<p>*The following parcels designated as B-1 prior to the effective date of this Ordinance shall be translated to the MXD district instead of the DTNC district: 16I02056D, 16I02009D, 16I02009D, 16I02009J, 16I02008P, 16I02008N, 16I02009E, 16I02049E, 16I02049Z, 16I02049Y, 16I02049X, 16I02049W, 16I02049V, 16I02049U, 16I02049T, 16I02049S, 16I02049R, 16I02049Q, 16I02049P, 16I02049O, 16I02049N, 16I02049M, 16I02049L, 16I02049K,</p>	

Zoning District Translation
16I02049J, 16I02049I, 16I02049H, 16I02049G, 16I02049F, 16I02009H, 16I02009F, 16I02009G, 16I02009I.

Section 9. Upon the effective date of January 2, 2024, areas mapped on the Official Zoning Map with a conventional zoning district and an overlay zoning district are translated to a new UDO zoning district as shown in the table below:

Zoning Overlay District Translation	
Previous Conventional Zoning District	UDO Zoning District
WPO (Watershed Protection Overlay)	WPOD (Watershed Protection Overlay)
TOD (Thoroughfare Overlay District)	None
DOD (Downtown Overlay District)	None

Section 10. Upon the effective date of January 2, 2024, the following new zoning districts and overlay districts are considered established:

Proposed Zoning District	Proposed Overlay District
RUR (Rural)	FPOD (Flood Protection Overlay)
RMF (Residential Multi-Family)	GTOD (Gateway Overlay)
CON (Conservation)	LHOD (Local Historic Overlay)
MXD (Mixed-Use)	
DTNT (Downtown Transitional)	
DTNN (Downtown Neighborhood)	
CZM (Conditional Mixed Use)	
CZC (Conditional Commercial)	
CZD (Conditional Downtown)	

Section 11. Upon the effective date of this ordinance, January 2, 2024, if a pending conventional rezoning petition is requesting a pre-UDO zoning district, the request will be changed to the translated UDO district. Any pending conventional rezoning petition will become null and void if no decision has been reached within one (1) year from the application submittal date, or the effective date, whichever is later.

Section 12. Upon adoption of this ordinance, conditional rezoning applications for a zoning map amendment to a pre-UDO zoning district will be accepted by Town staff and processed under the pre-UDO zoning regulations, provided an application is filed by 5:00 PM January 2, 2024, even if a decision is made later. A decision must occur no later than December 1, 2024. The petition will become null and void if no decision is reached within that period.

Section 13. Upon adoption of this ordinance, any pending ordinance amendments to Sections 51.01, 51.03, 51.20, and 51.21 and Chapters 151, 155, 156, and/or 158 of the Town Code of Ordinances, will become null and void.

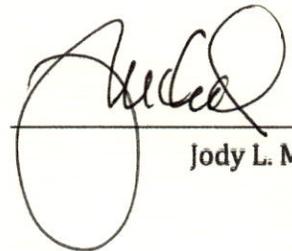
Section 14. Except as otherwise authorized in this section, upon adoption of this UDO, the following text amendments to the UDO may be made without further public hearing to:

- a. Codify changes approved by Town Council in conjunction with the approval of the UDO,
- b. The addition of or changes to graphics, and
- c. To correct typographic or cross-reference errors.

Section 15. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 16. This ordinance has been adopted following a duly advertised public hearing of the Clayton Town Council, and upon a recommendation from the Planning Board.

Duly adopted this 20th day of November 2023, while in regular session.



Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland
Heidi L. Holland, CMC, NCCMC
Town Clerk

