

CLAYTON COUNCIL MEETING – 101

Clayton citizens are welcomed and encouraged to attend town council meetings. Attending a council meeting allows you to be informed about the issues before the Clayton Town Council.

This issue of “Clayton Council Meeting – 101” will focus on planned development districts, also referred to as PDDs.

A planned development district is a floating district. This means that the district is available but not applied on the ground until a landowner petitions to rezone his or her property. Additionally, a planned development district is usually applied to a large tract of land allowing the site to be developed with a mixture of land uses according to an approved overall site plan.

Suppose you are a property owner with a large tract of land that is zoned RE for residential purposes, but you would like to have it rezoned as PDD-MU for a planned development district with mixed use. As the property owner, you may request to “amend” the official zoning map or “rezone” your tract by following the procedures explained in the Town of Clayton Code of Ordinances, 155.705 – PLANNED DEVELOPMENT REVIEW. If all the initial steps have been followed as outlined, the Planning Board will review your rezoning request and master plan and forward a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. The next step is having your request scheduled for a public hearing before the Town Council. This means that a legal notice must run in a newspaper of local circulation for two weeks and “the owners of all parcels of land abutting that parcel of land as shown on the county tax maps, shall be mailed a notice of the proposed change in classification by first-class mail at the last addresses listed for such owners in the county tax records” [155.702(D)]. The first class letters to the abutting property owners give notice of your rezoning request and their right to submit a protest petition.

If the adjoining property owners believe your rezoning request will negatively impact their property, they may request a protest petition form from the Town Clerk [Town Ordinance 155.705(L) and NC G.S. 160A-385]. A protest petition in itself does not stop the rezoning request. If a protest petition is signed by owners of either (i) 20% or more of the area included in the proposed change or (ii) 5% of a 100-foot wide perimeter of the subject property extending along the entire boundary of each discrete or separate area proposed to be rezoned, then the rezoning request **shall not** be passed except by a favorable vote of at least three-fourths of the Town Council.

The Town Council will take into account citizen comments provided during the public hearing as well as consider the criteria listed in 155.705(J) and 155.705(K) in evaluating your rezoning request. Following deliberation, the

Town Council will make one motion to approve the rezoning and master plan together.

However, if a rezoning request is submitted for a planned development district and the master plan is intended to also function as a preliminary plat, then the public hearing becomes a hybrid hearing. This means the rezoning request is heard as a public hearing and the preliminary plat request is heard as an evidentiary hearing. In addition to the public notice requirements and protest petition, the way in which persons provide comment before the Council is modified. Persons wishing to address the Council will have until 5:00 PM the day of the hearing to register and persons must take an oath before providing testimony on the criteria of the rezoning or the findings of fact of the preliminary plat to the Town Council. Prior to persons taking the oath, the Town Attorney will explain the rules of procedure. The Council will consider the criteria listed in 155.705(J) in evaluating the rezoning request and consider the criteria listed in 155.706(l)(10) in evaluating the preliminary plat. Even though this is combined as one hearing, the Town Council will make two motions; one for the rezoning request and one for the preliminary plat request.

A planned development district is deemed established if the Town Council approved the planned development rezoning request and if the approved master plan is recorded. In turn, the approved planned development and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. The approved master plan shall be recorded in the appropriate county Register of Deeds office and then the Zoning Map amended.

The Clayton Town Code of Ordinances are available online at www.amlegal.com/clayton_nc, and citizens are encouraged to visit the site.

The Council agenda may be viewed online at www.townofclaytonnc.org the Friday before a scheduled meeting. If you do not have access to the Internet, please call 919.553.5002 and request a copy of the agenda.

If you have suggestions for the next “Clayton Council Meeting – 101” article, please contact the Town Clerk.

We look forward to seeing you at Town Council meetings.