

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

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend 155.203 Part 1. Residential Districts with the following:

PART 1. RESIDENTIAL DISTRICTS

(E) *Purpose and intent.* The purpose and intent of the residential districts is to provide a safe and healthy living environment for residents, protect the Town's existing neighborhoods from incompatible uses, maintain natural areas and open spaces within neighborhoods, encourage connectivity and interconnectivity for multiple modes of transportation, and ensure adequate public facilities and services are available to meet the needs of current and future residents.

(F) *Residential subdivision types.* Development within the residential districts allows a variety of housing types. . To further the purpose of residential districts, two types of residential subdivisions are permitted, as follows.

(1) *Conventional residential subdivision.* A conventional residential subdivision is a pattern of residential development that provides a majority of property owners with substantial yards on their own property. A recreation and open space dedication or payment of a fee-in-lieu is required for conventional residential subdivisions.

(2) *Open space residential subdivision.* An open space residential subdivision trades conventional minimum lot size and dimensions for additional common recreation and open space. An open space residential subdivision shall be a sufficient size to ensure adequate common recreation and open space can be incorporated into the subdivision design. An open space residential subdivision may allow additional density provided certain enhancements are incorporated into the design of the subdivision.

(G) *Conventional subdivision standards.*

(1) *Applicability.* A conventional residential subdivision is permitted in all residential districts subject to the following standards.

(2) *Density.* In the R-10 and R-8 Districts, townhouse parcels, apartment parcels and upper-story residential units shall not exceed a density of ten units per acre. In the R-6 District, townhouse parcels, apartment parcels and upper-story residential units shall not exceed a density of 12 units per acre.

(3) *Development standards.* Applicants utilizing the conventional residential subdivision option shall meet all applicable development standards as set forth in § 155.400 through § 155.405 and § 155.500 through § 155.502. Applicants shall comply with all other provisions in this chapter and all other applicable laws.

(4) *Lots not served by public water and sewer.* No permit to install a septic tank system shall be issued until the County Health Director has determined by a

field investigation of the area that the site is acceptable for a septic tank system and that such a system can be installed at the site in compliance with these rules and regulations. The field investigations shall include evaluation of such factors as size and shape of the lot or lots, character and porosity of soil, percolation rate, topography, depth of the water table, rock or other impervious formations, location or proposed location of any water supply wells, and the success or failure history of any other septic tank systems in the area. The County Health Director shall not issue a permit if he determines that the site is not acceptable for septic tank systems.

(5) **Minimum square footage.** Minimum square footage requirements have been established for conventional subdivisions to ensure the scale of new construction is consistent with the established neighborhood patterns. Residential subdivisions which have a valid subdivision/plat approval, and additions to existing dwelling units are exempt from the minimum square footage requirements.

(6) ***Dimensional standards.*** Applicants utilizing the conventional residential subdivision option shall meet the dimensional standards provided in Table 2-2. Applicants shall comply with all other provisions in this chapter and all other applicable laws.

Table 2-2 Conventional Subdivision Regulations

Conventional Subdivision Standards																		
Zoning District	Unit Type	Min. Standards				Lot Standards				Density			Minimum Setbacks (ft.)			Building Standards		Accessories
		Min. Site Area (Acres)	Min. Parcel Size (sq. ft.)	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Lot Coverage (%)	Max. Impervious Surface (%)	Dwelling Units / acre	Front	Side Interior	Side Street	Rear	Max. Height (ft.)	Min. Dwelling Unit Size (sq. ft.)				
R-E	Single Family with water and sewer	--	--	20,000	80	35	50	2	35	15	25	30	35	1,400	See \$155.305			
	Single Family with well and septic	--	--	40,000	100	35	50	1	35	15	25	30	35	1,400	See \$155.305			
R-10	Single Family	--	--	10,000	70	35	50	4	30	10	20	25	35	1,100	See \$155.305			
	Zero Lot Line	--	--	10,000	70	35	50	4	30	0	20	25	35	1,100				
	Alley Loaded	--	--	10,000	70	35	50	4	30	10	10	25	35	1,100				
	Two Family	12,000																
	Townhouse (2 units)	12,000																
Townhouse (3+ units)	Apartment	20,000																
	Apartment	20,000																
R-8	Single Family	--	--	8,000	60	35	55	5	25	10	15	25	35	1,100	See \$155.305			
	Zero Lot Line	--	--	8,000	60	35	55	5	25	0	15	25	35	1,100				
	Alley Loaded	--	--	8,000	60	35	55	5	15	10	15	25	35	1,100				
	Two Family	10,000																
	Townhouse (2 units)	10,000																
Townhouse (3+ units)	Apartment	20,000																
	Apartment	20,000																
R-6	Single Family	--	--	6,000	50	35	60	7	20	6	10	20	35	960	See \$155.305			
	Zero Lot Line	--	--	6,000	50	35	60	7	20	0	10	25	35	960				
	Alley Loaded	--	--	6,000	50	35	60	7	10	6	10	25	35	960				
	Two Family	8,000																
	Townhouse (2 units)	8,000																
Townhouse (3+ units)	Apartment	20,000																
	Apartment	20,000																
Notes																		
1	Minimum dwelling unit size = total heated square footage																	
2	Manufactured homes and manufactured home parks shall meet the minimum requirements set forth in UDC §155.302 (F) and (G)																	
3	In no instance shall the area of a residential lot be less than the size determined to be adequate by the County Health Department after soil and ground water table investigations have been made.																	
4	A minimum of 1,245 square feet of Recreation and Open Space is required per unit for Single Family, Zero Lot Line and Alley Loaded units.																	
5	Public water and sewer is required in the R-10, R-8 and R-6 Zoning Districts. Within Town limits, connection to public water and sewer is also required for lots contiguous to existing service.																	
6	Lots using a zero side interior setback for one lot line are required to double the side interior setback requirement established for a single family unit for the opposite lot line.																	
7	In the R-10 and R-8 Zoning Districts, townhouse parcels, apartment parcels, and upper story residential shall not exceed a density of 10 dwelling units per acre.																	
8	In the R-6 Zoning District, townhouse parcels, apartment parcels, and upper story residential shall not exceed a density of 12 dwelling units per acre.																	

(H) *Open space subdivision standards.*

(1) *Intent.* The intent of an open space residential subdivision is to provide a development alternative to a conventional subdivision. An open space residential subdivision involves clustering home sites within a portion of the development site and allowing housing units on smaller lots than those permitted in a conventional residential subdivision. Open space subdivisions promote the preservation of environmentally sensitive land and allows for efficient use of the land to provide additional common open space. Open space subdivision development is encouraged by the Town in the form of these flexible design and maximum density provisions. Other purposes of an open space residential subdivision include the following:

(a) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

(b) To preserve important historic and archaeological sites.

(c) To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.

(d) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

(e) To promote interconnected greenways and corridors throughout the community.

(f) To create contiguous green space within and adjacent to the development site.

(g) To protect scenic views.

(h) To protect prime agricultural land and preserve farming as an economic activity.

(2) *Applicability.* An open space residential subdivision is permitted in the R-E, R-10, and R-8 Zoning Districts subject to the following standards.

(3) *Mix of housing types.* Two-family, townhouse, apartment, and upper-story residential units may comprise no more than 50percent of the total dwelling units of a proposed open space residential subdivision. In no case shall the density allowance be exceeded for the overall site. In the R-10 and R-8 Districts, townhouse parcels, apartment parcels, and upper-story residential units shall not exceed a density of ten units per acre.

(4) *Minimum square footage.* Minimum square footage requirements have been established for open space subdivisions to ensure the scale of new construction is consistent with the established neighborhood patterns. Existing

dwelling units, including any additions thereto, are exempt from the minimum square footage requirements.

(5) *Development standards.* Applicants utilizing the open space residential subdivision option shall meet all applicable development standards as set forth in §§ 155.400 through 155.405 and §§ 155.500 through 155.502. Applicants shall comply with all other provisions in this chapter and all other applicable laws.

(6) *Dimensional standards.* Applicants utilizing the open space residential subdivision option shall meet the dimensional standards provided in Table 2-3. Applicants shall comply with all other provisions this chapter and all other applicable laws.

Table 2-3 Open Space Subdivision Regulations

Open Space Subdivision Standards															
Zoning District	Unit Type	Lot Standards				Minimum Setbacks (ft.)			Density (dwelling units / acre)	Building Standards			Accessories		
		Min. Site Area (Acres)	Min. Parcel Size (sq. ft.)	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max Lot Coverage (%)	Max Impervious Surface (%)	Front		Side Interior	Side Street	Rear		Max. Height (ft.)	Min. Dwelling Unit Size (sq. ft.)
R-E	Single Family	10	--	12,000	48	35	50	3	21	9	15	18	35	1,400	See \$155.305
	Single Family	10	--	8,000	50	35	50	5	25	6	15	15	35	1,100	See \$155.305
R-10	Zero Lot Line	10	--	8,000	50	35	50	5	25	0	15	15	35	1,100	See \$155.305
	Alley Loaded	10	--	6,000	42	35	50	7	15	5	10	15	35	960	See \$155.305
	Two Family	10	12,000	12,000	75	35	50	3	25	6	15	15	35	960	See \$155.305
	Townhouse (2 units)	10	12,000	6,000	42	35	50	3	25	6	15	15	35	960	See \$155.305
	Townhouse (3+ units)	10	20,000	4,000	25	35	50	10	25	15	15	15	35	700	See \$155.305
	Apartments	10	20,000	--	--	--	35	50	10	25	15	15	35	960	See \$155.305
R-8	Single Family	10	--	6,000	42	35	55	7	20	6	10	15	35	960	See \$155.305
	Zero Lot Line	10	--	6,000	42	35	55	7	20	0	10	15	35	960	See \$155.305
	Alley Loaded	10	--	4,800	40	40	55	9	10	5	10	15	35	960	See \$155.305
	Two Family	10	10,000	9,000	65	40	55	4	20	6	10	15	35	700	See \$155.305
	Townhouse (2 units)	10	10,000	4,800	40	40	55	9	20	6	10	15	35	700	See \$155.305
	Townhouse (3+ units)	10	20,000	3,000	21	40	55	10	20	--	10	15	35	700	See \$155.305
Apartments	10	20,000	--	--	--	40	55	10	15	10	15	35	700	See \$155.305	
Notes															
1	Minimum dwelling unit size = total heated square footage														
2	Minimum dwelling unit size for multi-family is a per unit minimum														
3	Manufactured homes and manufactured home parks shall meet the minimum requirements set forth in UDC §155.302 (F) and (G)														
4	In no instance shall the area of a residential lot be less than the size determined to be adequate by the County Health Department after soil and ground water table investigations have been made.														
5	A minimum of 1,245 square feet per unit of public Recreation and Open Space is required in the R-E Zoning District														
6	A minimum of 12.5% of the total site acreage is required to be Recreation and Open Space in all Open Space Subdivisions.														
7	Public water and sewer is required in all residential Zoning Districts.														
8	Lots using a zero side interior setback for one lot line are required to double the side interior setback requirement established for a single family unit for the opposite lot line.														
9	In the R-10 and R-8 Zoning Districts, townhouse parcels, apartment parcels, and upper story residential shall not exceed a density of 10 dwelling units per acre.														
10	The minimum building separation for townhouse parcels and apartment parcels is 20 feet.														

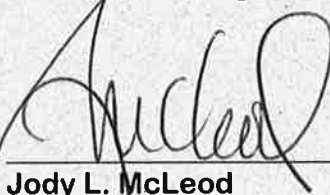
(7) *Utilities.* To the maximum extent feasible, utilities in open space residential subdivisions shall be placed underground.

(8) *Project boundary buffer.*

(a) No buffer is required where the width of the project's perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.

(b) Where narrower lot widths are provided, a Class C buffer shall be provided (see § 155.402) along all project boundaries of an open space subdivision.

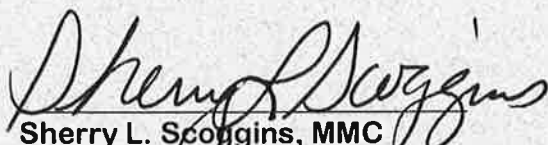

Duly adopted this 6th day of September 2011, while in regular session.



Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:


Sherry L. Scoggins, MMC
Town Clerk
R. Bruce Thompson, II
Town Attorney