

NOT APPROVED



**Agenda Packet - DRAFT
Village of Clemmons Council
Regular Meeting**

November 8, 2021

**AGENDA
REGULAR MEETING OF THE
VILLAGE OF CLEMMONS COUNCIL
NOVEMBER 8, 2021 at 6:00 p.m.**

- I. Call to Order & Pledge of Allegiance – Mayor Wait
 - II. Public Comments
 - III. Minutes - Approval of Minutes – October 25, 2021 Regular Meeting
 - IV. Changes and/or Approval of the Agenda
 - V. Announcements
 - A. Village of Clemmons will be closed for Veteran's Day on Thursday, November 11, 2021 (there is no interruption to trash service)
 - VI. **Business – Action Items for Consideration**
 - A. Public Hearings
 1. Zoning Map Amendment of real property owned by Main Street Village Point LLC from PB-S (Pedestrian Business – Special) to PB-S (Pedestrian Business – Special) described by the Forsyth County Tax Offices as PIN number 5883-85-8093, located at 3060 Village Point Drive, consisting of 6.62 acres, more or less. The site plan is on file at the Village of Clemmons website (**Zoning Docket C-246**) – Ordinance 2021-21
 2. Question of Voluntary Annexation of Mid-Atlantic Commercial Properties, LLC – Ordinance 2021-A-01
 3. Zoning Map Amendment of real property owned by Robert and William Vogler, Impulse Energy II LLC, and Milo White Investments LLC from RS-30 (Residential, Single-Family) and LB-S (Limited Business – Special) to RM-12-S (Residential, Multifamily – Special) and GB-S (General Business – Special) described by the Forsyth County Tax Offices as PIN numbers 5884-87-3358, 5884-87-2577, 5884-87-2893, 5884-97-0932, 5884-98-0002, 5884-98-0192, 5884-88-8007, and 5884-88-6079, located at the corner of Lewisville-Clemmons Road and Immanuel Road, consisting of 35.20 acres, more or less (**Zoning Docket C-245**) – Ordinance 2021-20
- Business – Information and Presentation of Review Items for Future Action or Immediate Consideration****
- B. Marketing & Communications Director's Report / Events Update
 - Clemmons Fall CleanUp – September–November – Details and registration on website
 - Holiday Pop-up Market – Sunday, November 21, 2021 from 2pm – 5pm (Jerry Long YMCA)
 - Annual Tree Lighting – Tuesday, November 30, 2021 at 6:30pm– Village Hall
 - C. Manager's Report
 1. "See-Click-Fix" Update
 2. Harper Road Property Offer
 - D. Attorney's Report
 - E. Planner's Report
 1. "Fee-in-Lieu-of" Discussion
 2. Draft Resolution 2021-R-18 Opposing HB425 Proposed Legislation on Development Regulations/Multijurisdiction

F. Council Comments

VII. Adjournment

****REMOTE MEETING NOTIFICATION (as at least one Council member may be participating remotely)**
The meeting will be streamed for viewing on our [YouTube](#) Channel also.

Time: Nov 8, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83070754299?pwd=dm1FMWlMdzdBNS9ja2krQ0g2ZnVnZz09>

Meeting ID: 830 7075 4299

Passcode: 339824

One tap mobile

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Dial by your location

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+1 669 900 9128 US (San Jose)

Meeting ID: 830 7075 4299

Passcode: 339824

Find your local number: <https://us02web.zoom.us/j/83070754299>

Any persons wishing to submit comments related to a public hearing only can do so up to 24 hours prior to the hearing. Send comments containing first and last name, address and comment to the Council by emailing the Clerk's office at lshortt@clmmons.org.



DRAFT

REGULAR MEETING OF THE VILLAGE OF CLEMMONS COUNCIL October 25, 2021

The Village of Clemmons Council met on Monday, October 25, 2021, at 6 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Wait, Council Members Barson, Binkley, Cameron, Rogers (via Zoom) and Wrights. Attorney Elliot Fus was also present.

Call to Order & Pledge of Allegiance

Mayor Wait called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Public Comments

There were seven citizens in attendance. There were two individuals signed up for public comments:

- Butch Dapolito, 7051 Kenbridge Drive, Clemmons, NC – expressed his concerns about the watershed that comes down Blanket Bottom Creek and stated with the proposed development upstream, it would be at the expense of the property owners downstream. He stated investment needs to take place into the infrastructure of the creeks and banks.
- Charles Sherrill, 115 Spillsbury Court, Clemmons, NC – voiced his strong opposition to Resolution 2021-R-15 Supporting the Goal for 100% Clean Renewable Energy by 2050 that is on the agenda for consideration from Council this evening.

Approval of the Minutes

Council Member Cameron moved to approve the minutes of the October 11, 2021 regular meeting as presented. The motion was seconded by Council Member Barson and unanimously approved.

Approval of the Agenda

Council Member Barson moved to approve the agenda as presented. The motion was seconded by Council Member Cameron and unanimously approved.

Announcements

Marketing and Communications Director Ford introduced Lynette Fox who is the part-time Events Coordinator for the Village of Clemmons. She expressed her appreciation to Ms. Fox for all the help she has been and continues to be with events put on in the Village.

Business – Action Items

- A. *Voluntary Annexation Request of Mid-Atlantic Commercial Properties, LLC.*
 - 1. Resolution 2021-R-17 Fixing Date of Public Hearing for November 8, 2021 on Question of Annexation Pursuant to NCGS 160A-31.

Council Member Cameron made a motion to adopt Resolution 2021-R-17 and fix the date for a public hearing on the question of annexation pursuant to NCGS 160A-31 on November 8, 2021

at 6 p.m. (Resolution 2021-R-17 attached hereto as Exhibit A and incorporated as a part of the minutes.) The motion was seconded by Council Member Barson and unanimously approved.

B. Call for Public Hearings.

1. Zoning Map Amendment of real property owned by Robert and William Vogler, Impulse Energy II LLC, and Milo White Investments LLC from RS-30 (Residential, Single-Family) and LB-S (Limited Business – Special) to RM-12-S (Residential, Multifamily – Special) and GB-S (General Business – Special) described by the Forsyth County Tax Offices as PIN numbers 5884-87-3358, 5884-87-2577, 5884-87-2893, 5884-97-0932, 5884-98-0002, 5884-98-0192, 5884-88-8007, and 5884-88-6079, located at the corner of Lewisville-Clemmons Road and Immanuel Road, consisting of 35.20 acres, more or less (**Zoning Docket C-245**).

Council Member Wrights made a motion to call for a public hearing on Zoning Map Amendment of real property owned by Robert and William Vogler, Impulse Energy II LLC, and Milo White Investments LLC from RS-30 (Residential, Single-Family) and LB-S (Limited Business – Special) to RM-12-S (Residential, Multifamily – Special) and GB-S (General Business – Special) described by the Forsyth County Tax Offices as PIN numbers 5884-87-3358, 5884-87-2577, 5884-87-2893, 5884-97-0932, 5884-98-0002, 5884-98-0192, 5884-88-8007, and 5884-88-6079, located at the corner of Lewisville-Clemmons Road and Immanuel Road, consisting of 35.20 acres, more or less (**Zoning Docket C-245**) at their next meeting on November 8, 2021 at 6:00 p.m. The motion was seconded by Council Member Cameron and unanimously approved.

2. Zoning Map Amendment of real property owned by Main Street Village Point LLC from PB-S (Pedestrian Business – Special) to PB-S (Pedestrian Business – Special) described by the Forsyth County Tax Offices as PIN number 5883-85-8093, located at 3060 Village Point Drive, consisting of 6.62 acres, more or less. The site plan is on file at the Village of Clemmons website (**Zoning Docket C-246**).

Council Member Cameron made a motion to call for a public hearing on Zoning Map Amendment of real property owned by Main Street Village Point LLC from PB-S (Pedestrian Business – Special) to PB-S (Pedestrian Business – Special) described by the Forsyth County Tax Offices as PIN number 5883-85-8093, located at 3060 Village Point Drive, consisting of 6.62 acres, more or less. The site plan is on file at the Village of Clemmons website (**Zoning Docket C-246**) at their next meeting on November 8, 2021 at 6:00 p.m. The motion was seconded by Council Member Barson and unanimously approved.

C. Board Appointments.

1. Zoning Board of Adjustment.
 - a. Regular Seat (term expires 6/30/2022) - The following applicants were eligible and/or applied for a position on the Zoning Board of Adjustment: Angela Brown, David Corn, Matthew Moger and Erin Rega. Attorney Fus advised that since Council Member Rogers was participating remotely, we fall under the statute that requires all votes be by roll call and not be secret or written ballot.

Council Member Barson made a motion to appoint Erin Rega to a regular vacant seat on the Zoning Board of Adjustment with the term expiring 6/30/2022. The motion was seconded by Council Member Cameron and unanimously approved.

- b. Alternate Seat (term expires 6/30/2024) - The following applicants were eligible and applied for a position on the Zoning Board of Adjustment: Angela Brown and David Corn.

Council Member Cameron made a motion to appoint David Corn to an alternate vacant seat on the Zoning Board of Adjustment with the term expiring 6/30/2024. The motion was seconded by Council Member Barson and unanimously approved.

2. *Historic Resources Commission* - The following applicant is eligible and applied for a position on the Historic Resources Commission: W. Scott Binkley.

Council Member Cameron made a motion to appoint Scott Binkley to a vacant seat for the Clemmons Representative on the Forsyth County Historic Resources Commission with the term expiring 10/31/2022. The motion was seconded by Council Member Barson and unanimously approved.

- D. *Resolution 2021-R-15 Supporting the Goal for 100% Clean Renewable Energy by 2050* – A brief discussion was held. Council Member Wrights expressed his thoughts that starting an Environmental Committee is a good first step but does not see a need to adopt this resolution. Council Member Cameron pointed out the words in the resolution that state “where feasible” which could make it very conservative. Council Member Barson stated it is a lofty goal but this would send a message stating commitment.

Council consensus was to direct Staff to have the Environmental Committee review aspects of the draft resolution and come up with a goal that is feasible for a smaller municipality.

Business – Information and Presentation of Review Items for Future Action or Immediate Consideration**

- E. *Marketing & Communications Director’s Report/Events Update.*
Marketing & Communications Director Ford advised Saturday was the last day of the regular season for the 2021 Farmer’s Market and there were over 500 customers. She extended a special thank you to The Kollards who are a local band that performed at the festival, as well as to the vendors and customers who supported the market this year. She advised there will be Friday/Saturday pickups options available from certain vendors at Village Hall until the market opens again in May 2022 (communication blasts will be going out with information as well as social media posts). She publicly thanked Spectrum News for doing a piece on Harvest Fest this past weekend.

-Clemmons Fall CleanUp – September–November – Details and registration on website

-Monster Dash & Goblin Hop ... AROUND THE VILLAGE (participating businesses will have a monster display at their location/window for goblins to locate – rhyming hints given to find them around town) – will be concluding this week with a drawing for a prize basket to be held for anyone who has submitted their contest form by October 31, 2021. She thanked Ms. Fox for all of her hard work with the event. She also thanked Fox8 News for their story on the Monster Dash.

-Medicine Drop – October 30, 2021 9am–Noon – Public Works Facility (3800 Dillon Industrial Drive) – partnering with FCSO

-Holiday Pop-up Market – Sunday, November 21, 2021 from 2pm – 5pm (Jerry Long YMCA)

-Annual Tree Lighting – Tuesday, November 30, 2021 at 6:30pm – Village Hall

Details are available on the Village website and Facebook page regarding all of our events.

F. Manager's Report.

1. *Financial Summary Report for September 2021* – report was presented.
2. *FCSO Report for September 2021* – report was presented. Sgt. Gieger advised he had spoken with the SRO supervisors regarding traffic at Holder Road (West Forsyth High, Southwest Elementary and Montessori School). He explained the school of choice zone system that WSFCS utilizes and students can attend their school of choice within a particular zone as long as they have transportation and the effect on buses. He stated this is something that needs to be addressed by the school board. Council Member Cameron stated the Village Council does not have any control over the school system and this is not a problem the Council can solve.

Council consensus was to direct Staff to reach out to the WSFCS Board to let them know of the school traffic issue/concern at the Holder Road area and determine if they plan to reinstate traffic officers as they used to have.

3. *Harper Road Property Update* - Manager Buffkin advised Council that an offer to purchase the Harper Road property has been received and reviewed by Attorney Fus. The purchase price was \$750,000 with the same conditions attached as previous offer. A brief discussion was held regarding installation of water and sewer infrastructure to the property. A further

Finance Director Stroud advised of an eligibility process for projects utilizing ARP funds that needs to take place and requested Council consider one member to join her on establishing this process.

Council consensus was to direct Staff to place “ARP Funds Eligibility Process” on next meeting’s agenda to select one Council Member to work with Finance Director Stroud on establishment of the process.

Council Member Barson moved to reject the offer to purchase the Harper Road property from Henson Realty, LLC as presented. The motion was seconded by Council Member Wrights and unanimously approved.

Council consensus was to continue to consider clean offers (minimum bid of \$600,000 with no stipulations which would then go through the upset bid process) on the Harper Road property.

- G. Attorney’s Report – Attorney Fus updated Council that he has been consulting with Planner Rahimzadeh on planning issues and advising Staff regarding temporary signage regulations.
- H. Planner’s Report.
 - 1. Draft Planning Board Meeting Minutes from October 19, 2021 – draft minutes were presented.
- I. Village Engineer’s Report.
 - 1. 50/50 Cost-Share Agreement – 2500 Newington Drive – Village Engineer Kimbrell made a presentation to Council (attached hereto as Exhibit B and incorporated as a part of the minutes).

Council Member Barson moved to accept the 2500 Newington Court private property drainage cost share project and advise staff to proceed with finalizing all documents, and collection of all required fees from the property owner so that the project may commence (attached hereto as Exhibit C and incorporated as a part of the minutes). The motion was seconded by Council Member Cameron and unanimously approved.

- J. Council Comments – there were none.

Adjournment

Council Member Cameron moved to adjourn the meeting at 6:52 p.m. The motion was seconded by Council Member Wrights and unanimously approved.

John L. Wait
Mayor

ATTEST:

Lisa Shortt, NCCMC
Village Clerk

**ORDINANCE AMENDING THE VILLAGE OF CLEMMONS ZONING ORDINANCE
OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) AND
ZONING MAP OF THE VILLAGE OF CLEMMONS, NORTH CAROLINA**

Zoning Petition of Main Street Village Point LLC
Ordinance Number 2021-21

Section 1. The Village of Clemmons Ordinance of the Unified Development Ordinance (UDO) and the Official Zoning Map of the Village of Clemmons are hereby amended by changing the zoning classification **from PB-S (Pedestrian Business – Special) to PB-S (Pedestrian Business – Special) with the following uses: Offices, miscellaneous; Residential, multifamily; Services, personal and General merchandise store (Zoning Docket C-246)** of the following described property located in Forsyth County, North Carolina:

3060 Village Point Drive, Clemmons, NC 27012 - PIN 5883-85-8093

Section 2. This ordinance shall be effective from and after its adoption.

Adopted this the 8th day of November, 2021.

John L. Wait
Mayor

ATTEST:

Lisa Shortt
Village Clerk

Ordinance Number 2021-A-01

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
VILLAGE OF CLEMMONS, NORTH CAROLINA**

WHEREAS, the Village Council has been petitioned under N.C.G.S. 160A-31 to annex the area described below; and

WHEREAS, the Village Council has by resolution directed the Village Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Village Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Village Hall at 6 p.m. on November 8, 2021, after due notice by publication on October 28, 2021; and

WHEREAS, the Village Council finds that the petition meets the requirements of N.C.G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina that:

Section 1. By virtue of the authority granted by N.C.G.S. 160A-31, the following described territory is hereby annexed and made part of the Village of Clemmons as of November 8, 2021:

COMMENCING at an existing 1" pipe having NC Grid NAD 83/2011 coordinates of Northing 847,719.98 feet, Easting 1,589,098.68 feet and being a common corner with Milo & White Investments, LLC (Tax Pin: 5884-87-2577) and said 1" pipe being in the western right-of-way of Lewisville-Clemmons Road and said 1" pipe being the POINT OF BEGINNING: THENCE with the western right-of-way of Lewisville-Clemmons Road the following six (6) calls: (1) S 07°03'45" W, 70.53 feet to an existing 1/2" rebar with cap; (2) S 11°55'18" W, 78.99 feet to an iron rebar set (5/8"); (3) S 06°13'01" W, 73.79 feet to an existing 5/8" rebar; (4) S 02°28'41" E, 8.77 feet to an existing 1" pipe being the common corner with Impulse Energy II, LLC (Tax Pin: 5884-87-3358); (5) S 02°28'41" E, 41.97 feet to an iron rebar set (5/8"); (6) with a curve to the left having an Arc Length: 285.99 feet, Radius: 2427.82 feet and a chord bearing and distance of S 00°52'21" W, 285.83 feet to an iron rebar set (5/8") being a common corner with Ted E. and Penny H. Pegram (Tax Pin: 5884-87-9046); THENCE with the common line of Ted E. and Penny H. Pegram (Tax Pin: 5884-87-9046) N 88°38'59" W, 231.85 feet to an existing 1" pipe being a common corner with Ted E. and Penny H. Pegram (Tax Pin: 5884-87-6140); THENCE with the common line with Ted E. and Penny H. Pegram (Tax Pin: 5884-87-6140) N 88°30'42" W, 148.32 feet to an existing nail at the base of 1" pipe; THENCE continuing with said common line Ted E. and Penny H. Pegram (Tax Pin: 5884-87-6140 and Tax Pin: 5884-87-3045) and Savannah Sundee Pegram (Tax Pin: 5884-87-1041) S 85°27'37" W (passing an existing nail at the base of 1" pipe at 214.97 feet, passing an existing 1" pipe at 657.84 feet and passing an iron rebar set at 1173.35 feet) a total distance of 1193.35 feet to a point in the centerline of Blanket Bottom Creek; THENCE with the centerline of Blanket Bottom Creek the following twenty-nine (29) calls: (1) N 16°23'58" W, 20.27 feet to a point; (2) N 15°22'28" E, 10.40 feet to a point; (3) N 49°20'26" E, 41.12 feet to a point; (4) N 56°22'59" E, 18.09 feet to a point; (5) N 31°11'53" E,

14.04 feet to a point; (6) N 16°46'47" E, 10.97 feet to a point; (7) N 04°06'49" W, 17.12 feet to a point; (8) N 06°51'19" W, 14.14 feet to a point; (9) N 00°25'37" E, 13.52 feet to a point; (10) N 19°04'48" E, 14.38 feet to a point; (11) N 16°06'11" E, 25.66 feet to a point; (12) N 05°01'35" E, 41.63 feet to a point; (13) N 15°23'29" W, 25.49 feet to a point; (14) N 11°27'31" W, 19.84 feet to a point; (15) N 09°46'52" W, 37.80 feet to a point; (16) N 04°48'54" E, 20.80 feet to a point; (17) N 00°57'50" E, 26.83 feet to a point; (18) N 00°57'50" E, 4.82 feet to a point; (19) N 31°09'14" E, 11.30 feet to a point; (20) N 68°12'53" E, 40.26 feet to a point; (21) N 17°23'45" E, 27.42 feet to a point; (22) N 01°57'58" W, 15.90 feet to a point; (23) N 07°23'43" W, 24.27 feet to a point; (24) N 03°45'14" W, 20.08 feet to a point; (25) N 01°31'35" E, 24.68 feet to a point; (26) N 02°27'24" E, 32.78 feet to a point; (27) N 07°03'41" W, 41.78 feet to a point; (28) N 10°37'49" W, 30.46 feet to a point; (29) N 34°58'42" W, 12.86 feet to a point in the common line of Richard Anderson Vogler and William Lindsay Vogler, Jr. (Tax Pin: 5884-87-2893); THENCE with the common line of Richard Anderson Vogler and William Lindsay Vogler, Jr. (Tax Pin: 5884-87-2893); S 88°17'39" W, 6.30 feet to point being in the western edge of Blanket Bottom Creek; THENCE with the western edge of Blanket Bottom Creek the following fourteen (14) calls: (1) N 27°49'28" W, 5.19 feet to a point; (2) N 33°18'20" W, 40.29 feet to a point; (3) N 47°45'11" W, 35.36 feet to a point; (4) N 03°00'34" E, 33.17 feet to a point; (5) N 12°02'15" W, 21.99 feet to a point; (6) N 22°54'23" W, 34.27 feet to a point; (7) N 01°31'27" W, 32.98 feet to a point; (8) N 14°04'49" W, 38.60 feet to a point; (9) N 04°28'20" E, 38.56 feet to a point; (10) N 09°21'58" W, 37.69 feet to a point; (11) N 21°20'04" W, 19.87 feet to a point; (12) N 09°28'15" W, 35.09 feet to a point; (13) N 04°32'46" E, 40.12 feet to a point; (14) N 06°51'38" W, 16.42 feet to an iron rebar set (5/8") in the southern right-of-way of Styers Ferry Road; THENCE with said right-of-way N 83°56'11" E, 651.23 feet to an existing 3/4" pipe being the common corner with Elizabeth A. Pritchard (Tax Pin: 5884-88-1092); THENCE with the common line of Elizabeth A. Pritchard (Tax Pin: 5884-88-1092) the following two (2) calls: (1) S 08°58'15" E, 182.63 feet to an existing 3/4" pipe; (2) N 87°01'31" E, 109.96 feet to an existing 3/4" pipe being a common corner with Valeree H. Oxendine (Tax Pin: 5884-88-2181); THENCE with the common line of Valeree H. Oxendine (Tax Pin: 5884-88-2181) N 86°59'29" E, 99.95 feet to an existing 1" pipe being a common corner with John Nichols Contos, Jr. (Tax Pin: 5884-88-3192); THENCE with the common line of John Nichols Contos, Jr. (Tax Pin: 5884-88-3192) the following two (2) calls: (1) N 87°03'39" E, 115.03 feet to an existing 1" pipe; (2) N 09°00'34" W, 250.17 feet to an existing 1/2" pipe being a common corner with Impulse Energy II, LLC (Tax Pin: 5884-88-4274) and also being in the southern right-of-way of Styers Ferry Road; THENCE with the southern right-of-way of Styers Ferry Road N 54°43'24" E, 27.85 feet to an iron rebar set (5/8") at the intersection of southern right-of-way of Immanuel Drive; THENCE with the southern right-of-way Immanuel Drive the following six (6) calls: (1) with a curve to the left having an Arc Length: 34.28 feet, Radius: 182.39 feet and a chord bearing and distance of S 60°12'35" E, 34.23 feet to an iron rebar set (5/8") being a common corner with Robert Anderson Vogler and William Lindsay Vogler, Jr. (Tax Pin: 5884-88-2893); (2) with a curve to the left having an Arc Length: 28.22 feet, Radius: 182.39 feet, a chord bearing and distance of S 70°01'35" E, 28.19 feet to an iron rebar set (5/8"); (3) with a curve to the left having an Arc Length: 33.75 feet, Radius: 518.14 feet, a chord bearing and distance of S 72°29'46" E, 33.74 feet to an iron rebar set (5/8"); (4) with a curve to the left having an Arc Length: 42.41 feet, Radius: 239.53 feet, a chord bearing and distance of S 79°30'39" E, 42.35 feet to an existing 1/2" rebar; (5) S 87°17'58" E, 144.82 feet to an iron rebar set (5/8"); (6) S 88°59'34" E, 127.52 feet to an existing mag nail being a common corner with Robert Anderson Vogler and William Lindsay Vogler, Jr. (Tax PIN: 5884-88-8007 and Tax PIN: 5884-98-0002); THENCE with common line of Robert Anderson Vogler and William Lindsay Vogler, Jr. (Tax

PIN: 5884-88-8007 and Tax PIN: 5884-98-0002) S 02°32'13" W, 190.35 feet to an existing 1/2" rebar being a common corner with Robert Anderson Vogler and William Lindsay Vogler, Jr.(Tax PIN: 5884-87-2893 and Tax PIN: 5884-98-0002); THENCE with the common line of Robert Anderson Vogler and William Lindsay Vogler, Jr.(Tax PIN: 5884-87-2893 and Tax PIN: 5884-98-0002) the following three (3) calls: (1) N 86°50'37" E, 11.70 feet to an existing 1/2" rebar; (2) S 03°01'22" E, 15.02 feet to an existing 1/2" rebar; (3) S 82°49'21" E, 76.82 feet to an existing 3/4" pipe being a common corner with Robert Anderson Vogler and William Lindsay Vogler, Jr.(Tax PIN: 5884-87-2893 and Tax PIN: 5884-97-0932); THENCE with the common line of Robert Anderson Vogler and William Lindsay Vogler, Jr.(Tax PIN: 5884-87-2893 and Tax PIN: 5884-97-0932) the following two (2) calls: (1) S 07°08'18" W, 100.00 feet to an existing 3/4" pipe; (2) S 86°10'04" E, 185.91 feet to an existing 1/2" rebar in the western right-of-way of Lewisville-Clemmons Road; THENCE with the western right-of-way of Lewisville-Clemmons Road S 07°06'25" W, 148.41 feet to the POINT OF BEGINNING containing 1,454,913 square feet or 33.400 acres more or less.

Section 2. Upon and after November 8, 2021, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Village of Clemmons and shall be entitled to the same privileges and benefits as other parts of the Village of Clemmons. Said territory shall be subject to municipal taxes according to N.C.G.S. 160A-58.10.

Section 3. The Mayor of the Village of Clemmons shall cause to be recorded in the office of the Register of Deeds of Forsyth County, and in the office of Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by N.C.G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Village of Clemmons.

Adopted this 8th day of November 2021.

John L. Wait
Mayor

ATTEST:

Lisa M. Shortt, NCCMC
Village Clerk

**ORDINANCE AMENDING THE VILLAGE OF CLEMMONS ZONING ORDINANCE
OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) AND
ZONING MAP OF THE VILLAGE OF CLEMMONS, NORTH CAROLINA**

Zoning Petition of Morgan Companies
Ordinance Number 2021-20

Section 1. The Village of Clemmons Ordinance of the Unified Development Ordinance (UDO) and the Official Zoning Map of the Village of Clemmons are hereby amended by changing the zoning classification **from RS-30 (Residential Single Family) and LB-S (Limited Business – Special) to RM-12-S (Residential Multifamily – Special) “TRACT 1” and GB-S (General Business - Special) with the following uses: Residential building, Multifamily; Restaurant (with drive-through service); Drug Store; General Merchandise Store; Medical and Surgical Offices and Convenience store “TRACT2” (Zoning Docket C-245)** of the following described property located in Forsyth County, North Carolina:

LEGAL DESCRIPTION FOR THE MULTI-FAMILY ZONING (TRACT 1): Being all of the land owned by Robert Anderson Vogler and William Lindsay Vogler, Jr. (Deed Book 2719, Page 873) Tax Pin: 5884-87-2893) Deed Book 2708, Page 3874) Tax Pin: 5884-88-6079, 5884-88-8007, 5884-98-0192 and 5884-97-0932 and (Deed Book 1951, Page 845) Tax Pin: 5884-98-0002 and Milo & White Investments, LLC (Deed Book 3604, Page 2156) Tax Pin: 5884-87-2577 and Impulse Energy II, LLC (Deed Book 3396, Page 204) Tax Pin: 5884-87-3358 and Impulse Energy II, LLC (Deed Book 3399, Page 179) Tax Pin: 5884-88-4274 located in the Lewisville Township, Forsyth County, North Carolina and being more particularly described as follows: COMMENCING at an existing 1” pipe being a common corner with Ted E. and Penny H. Pegram (Deed Book 2449. Page 113 and Deed Book 1381. Page 1480) N 88°30'42" W, 92.75 feet to a point having NC Grid NAD 83/2011 coordinates of Northing 847,170.73 feet, Easting 1.588,739.03 feet and said point being the POINT OF BEGINNING: THENCE with the common line with Ted E. and Penny H. Pegram (Deed Book 1381. Page 1480) N 88°30'42" W, 55.57 feet to an existing nail at the base of 1” pipe; THENCE continuing with said common line Ted E. and Penny H. Pegram (Deed Book 1381. Page 1480 and Deed Book 1875, Page 2997) and Savannah Sundee Pegram (Deed Book 3167, Page 2927) S 85°27'37" W (passing an existing nail at the base of 1” pipe at 214.97 feet and passing an existing 1” pipe at 657.84 feet and passing an iron rebar set at 1173.35 feet) a total distance of 1193.35 feet to a point in the centerline of Blanket Bottom Creek; THENCE with the centerline of Blanket Bottom Creek the following twenty-nine (29) calls: (1) N 16°23'58" W, 20.27 feet to a point; (2) N 15°22'28" E, 10.40 feet to a point; (3) N 49°20'26" E, 41.12 feet to a point; (4) N 56°22'59" E, 18.09 feet to a point; (5) N 31°11'53" E, 14.04 feet to a point; (6) N 16°46'47" E, 10.97 feet to a point; (7) N 04°06'49" W, 17.12 feet to a point; (8) N 06°51'19" W, 14.14 feet to a point; (9) N 00°25'37" E, 13.52 feet to a point; (10) N 19°04'48" E, 14.38 feet to a point; (11) N 16°06'11" E, 25.66 feet to a point; (12) N 05°01'35" E, 41.63 feet to a point; (13) N 15°23'29" W, 25.49 feet to a point; (14) N 11°27'31" W, 19.84 feet to a point; (15) N 09°46'52" W, 37.80 feet to a point; (16) N 04°48'54" E, 20.80 feet to a point; (17) N 00°57'50" E, 26.83 feet to a point; (18) N 00°57'50" E, 4.82 feet to a point; (19) N 31°09'14" E, 11.30 feet to a point; (20) N 68°12'53" E, 40.26 feet to a point; (21) N 17°23'45" E, 27.42 feet to a point; (22) N 01°57'58" W, 15.90 feet to a point; (23) N 07°23'43" W, 24.27 feet to a point; (24) N 03°45'14" W, 20.08 feet to a point; (25) N 01°31'35" E, 24.68 feet to a point; (26) N 02°27'24" E, 32.78 feet to a point; (27) N 07°03'41" W, 41.78 feet to a point; (28) N 10°37'49" W, 30.46 feet to a point; (29) N 34°58'42" W, 12.86 feet to a point in the common line of Richard Anderson Vogler and William Lindsay Vogler, Jr. (Deed Book 2179, Page 2893); THENCE with the common line of Richard Anderson Vogler and William Lindsay Vogler, Jr. (Deed Book 2179, Page 2893) S 88°17'39" W, 6.30 feet to point being in the western edge of Blanket Bottom Creek; THENCE with the western edge of Blanket Bottom Creek the following fourteen (14) calls: (1) N 27°49'28" W, 5.19 feet to a point; (2) N 33°18'20" W, 40.29 feet to a point; (3) N 47°45'11" W, 35.36 feet to a point; (4) N 03°00'34" E,

33.17 feet to a point; (5) N 12°02'15" W, 21.99 feet to a point; (6) N 22°54'23" W, 34.27 feet to a point; (7) N 01°31'27" W, 32.98 feet to a point; (8) N 14°04'49" W, 38.60 feet to a point; (9) N 04°28'20" E, 38.56 feet to a point; (10) N 09°21'58" W, 37.69 feet to a point; (11) N 21°20'04" W, 19.87 feet to a point; (12) N 09°28'15" W, 35.09 feet to a point; (13) N 04°32'46" E, 40.12 feet to a point; (14) N 06°51'38" W, 16.42 feet to a iron rebar set (5/8") in the southern right-of-way of Styers Ferry Road; THENCE with said right-of-way N 83°56'11" E, 651.23 feet to an existing 3/4" pipe being the common corner with Elizabeth A. Pritchard (Deed Book 2025, Page 2964); THENCE with the common line of Elizabeth A. Pritchard (Deed Book 2025, Page 2964) the following two (2) calls: (1) S 08°58'15" E, 182.63 feet to an existing 3/4" pipe; (2) N 87°01'31" E, 109.96 feet to an existing 3/4" pipe being a common corner with Valeree H. Oxendine (Deed Book 1517, Page 887); THENCE with the common line of Valeree H. Oxendine (Deed Book 1517, Page 887) N 86°59'29" E, 99.95 feet to an existing 1" pipe being a common corner with John Nichols Contos, Jr. (Deed Book 1292, Page 1575); THENCE with the common line of John Nichols Contos, Jr. (Deed Book 1292, Page 1575) N 87°03'39" E, 115.03 feet to an existing 1" pipe; THENCE with the New Zoning Line the following three (3) calls: (1) S 08°31'20" E, 37.96 feet to a point. (2) N 90°00'00" E, 247.01 feet to a point; (3) S 00°37'27" E, 775.18 feet to the POINT OF BEGINNING containing 1,091,001 square feet or 25.046 acres more or less.

LEGAL DESCRIPTION FOR THE COMMERCIAL ZONING (TRACT2): Being all of the land owned by Robert Anderson Vogler and William Lindsay Vogler, Jr. (Deed Book 2719, Page 873) Tax Pin: 5884-87-2893) Deed Book 2708, Page 3874) Tax Pin: 5884-88-6079, 5884-88-8007, 5884-98-0192 and 5884-97-0932 and (Deed Book 1951, Page 845) Tax Pin: 5884-98-0002 and Milo & White Investments, LLC (Deed Book 3604, Page 2156) Tax Pin: 5884-87-2577 and Impulse Energy II, LLC (Deed Book 3396, Page 204) Tax Pin: 5884-87-3358 and Impulse Energy II, LLC (Deed Book 3399, Page 179) Tax Pin: 5884-88-4274 located in the Lewisville Township, Forsyth County, North Carolina and being more particularly described as follows: COMMENCING at an existing 1" pipe having NC Grid NAD 83/2011 coordinates of Northing 847,719.98 feet, Easting 1.589.098.68 feet and being a common corner with Milo & White Investments, LLC (Deed Book 3604, Page 2156) and said 1" pipe being in the western right-of-way of Lewisville-Clemmons Road and said 1" pipe being the POINT OF BEGINNING: THENCE with the western right-of-way of Lewisville-Clemmons Road the following six (6) calls: (1) S 07°03'45" W, 70.53 feet to an existing 1/2" rebar with cap; (2) S 11°55'18" W, 78.99 feet to an iron rebar set (5/8"); (3) S 06°13'01" W, 73.79 feet to an existing 5/8" rebar; (4) S 02°28'41" E, 8.77 feet to an existing 1" pipe being the common corner with Impulse Energy II, LLC (Deed Book 3396, Page 204); (5) S 02°28'41" E, 41.97 feet to an iron rebar set (5/8"); (6) with a curve to the left having an Arc Length: 286.00 feet, Radius: 2427.82 feet and a chord bearing and distance of S 00°52'21" W, 285.83 feet to an iron rebar set (5/8") being a common corner with Ted E. and Penny H. Pegram (Deed Book 2449. Page 113); THENCE with the common line of Ted E. and Penny H. Pegram (Deed Book 2449. Page 113) N 88°38'59" W, 231.85 feet to an existing 1" pipe being a common corner with Ted E. and Penny H. Pegram (Deed Book 1381. Page 1480); THENCE with the common line with Ted E. and Penny H. Pegram (Deed Book 1381. Page 1480) N 88°30'42" W, 92.75 feet to a point; THENCE with the New Zoning Line the following three (3) calls: (1) N 00°37'27" W, 775.18 feet to a point; (2) S 90°00'00" W, 247.01 feet to a point; (3) N 08°31'20" W, 37.96 feet to an existing 1" pipe being a common corner with John Nichols Contos, Jr. (Deed Book 1292, Page 1575); THENCE with the common line of John Nichols Contos, Jr. (Deed Book 1292, Page 1575) N 09°00'34" W, 250.17 feet to an existing 1/2" pipe being a common corner with Impulse Energy II, LLC (Deed Book 3399, Page 179) and also being in the southern right-of-way of Styers Ferry Road; THENCE with the southern right-of-way of Styers Ferry Road N 54°43'24" E, 27.85 feet

to an iron rebar set (5/8") at the intersection of southern right-of-way of Immanuel Drive; THENCE with the southern right-of-way Immanuel Drive the following ten (10) calls: (1) with a curve to the left having an Arc Length: 34.28 feet, Radius: 182.39 feet and a chord bearing and distance of S 60°12'35" E, 34.23 feet to an iron rebar set (5/8") being a common corner with Robert Anderson Vogler and William Lindsay Vogler, Jr. (Deed Book 2719, Page 873); (2) with a curve to the left having an Arc Length: 28.22 feet, Radius: 182.39 feet, a chord bearing and distance of S 70°01'35" E, 28.19 feet to an iron rebar set (5/8"); (3) with a curve to the left having an Arc Length: 33.75 feet, Radius: 518.14 feet, a chord bearing and distance of S 72°29'46" E, 33.74 feet to an iron rebar set (5/8"); (4) with a curve to the left having an Arc Length: 42.41 feet, Radius: 239.53 feet, a chord bearing and distance of S 79°30'39" E, 42.35 feet to an existing 1/2" rebar; (5) S 87°17'58" E, 144.82 feet to an iron rebar set (5/8"); (6) S 88°59'34" E, 127.52 feet to an existing mag nail; (7) S 88°52'45" E, 143.08 feet to an iron rebar set (5/8"); (8) S 07°10'48" W, 2.04 feet to an iron rebar set (5/8"); (9) S 89°28'38" E, 115.10 feet to an existing mag nail; (10) S 50°59'56" E, 41.31 feet to an existing mag nail in the western right-of-way of Lewisville-Clemmons Road; THENCE with the western right-of-way of Lewisville-Clemmons Road the following four (4) calls: (1) S 07°07'25" W, 93.04 feet to an existing 1/2" rebar; (2) S 07°05'56" W, 103.11 feet to an existing nail; (3) S 07°06'18" W, 100.02 feet to an existing 1/2" rebar; (4) S 07°06'25" W, 148.41 feet to the POINT OF BEGINNING containing 442,554 square feet or 10.160 acres more or less.

Section 2. This ordinance shall be effective from and after its adoption.

Adopted this the 8th day of November, 2021.

John L. Wait
Mayor

ATTEST:

Lisa Shortt
Village Clerk



Prepared for:

Nasser Rahimzadeh
Village of Clemmons
3715 Clemmons Road
Clemmons, North Carolina,
nasser@clemmons.org
3367667511

Prepared by:

Mike Nicholson
michael.nicholson@civicplus.com

Issue Date:

10/28/2021

Pricing Expires:

12/31/2021

Product Name	DESCRIPTION	QTY	TOTAL
SeeClickFix Pro	Unlimited gov user licenses for citizen relationship management with service request and work order management and a multi-channel communications inbox.	1.00	USD 13,346.12
SeeClickFix Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	1.00	USD -6,673.06
SeeClickFix Account Config	SeeClickFix Account Configuration	1.00	USD 0.00
TOTAL:			USD 6,673.06

List Price - Year 1 Total	USD 19,065.88
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Total Investment - Year 1	USD 6,673.06
Annual Recurring Costs - Year 2	USD 14,013.43

*Annual Recurring Costs are subject to 5% annual technology uplift beginning in year 2 of service.

Total Days of Quote:365

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at <https://legal.seeclickfix.com/terms-and-conditions-cp/> ("MSA"), to which this SOW is hereby attached as the SeeClickFix Statement of Work. By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW.

2. This SOW shall remain in effect for an initial term equal to 365 days from the date of signing ("Initial Term"). In the event that neither party gives 90 days' notice to terminate prior to the end of the Initial Term or any subsequent Renewal Term, this SOW will automatically renew for an additional 1-year renewal term ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".

3. The Total Investment - Year 1 (the sum of the One Time Costs and the Recurring Costs) will be invoiced at signing of this SOW. Client will pay all invoices within 30 days of the date of invoice.

4. Renewal Term Annual Recurring Costs shall be invoiced on the start date of each Renewal Term.

5. Client agrees to use the CivicService SeeClickFix service (the "Service") in ways that conform to all applicable laws and regulations, including, without limitation, the Telephone Consumer Protection Act (if Client uses "Conversations"). Client agrees not to make any attempt to gain unauthorized access to any of CivicPlus' systems or networks. Client agrees that CivicPlus shall not be responsible or liable for the content of messages created by Client, or by those who access Service, or otherwise delivered by Service on behalf of Client.

6. CivicPlus does not own any data, information, or material that Client, or its constituents, submit to the Service in the course of using the Service ("Client Data"). Client, not CivicPlus, shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, appropriateness, and intellectual property ownership or right to use of all Client Data, and CivicPlus shall not be responsible or liable for the deletion, correction, destruction, damage, loss or failure to store any Client Data. CivicPlus reserves the right to withhold, remove and/or discard Client Data without notice for any breach, including, without limitation, Client's non-payment. Upon termination for cause, Client's right to access or use Client Data immediately ceases, and CivicPlus shall have no obligation to maintain or forward any Client Data.

7. If the "Conversations" line item is included in this SOW above, the following terms shall apply: The text message (SMS/MMS) comes with unlimited lines and up to 25,000 messages per month. If text usage exceeds the set usage amounts included herein, additional text will be invoiced to the Client at \$0.01 per message in arrears at the end of the then-current term in which the additional charges are incurred. In the event Client exceeds the set usage amounts herein, CivicPlus will provide Client with report that displays such excess usage with the invoice. CivicPlus will use its best efforts to notify the Client in the event Client exceeds the usage amounts in any month.

Acceptance

The undersigned has read and agrees to the following Terms and Conditions, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date: [https:// legal.seeclickfix.com/terms-and-conditions-cp/](https://legal.seeclickfix.com/terms-and-conditions-cp/)

Client

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization URL

Street Address

Address 2

City State Postal Code

CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays).
Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for
ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Billing Contact E-Mail

Phone Ext. Fax

Billing Address

Address 2

City State Postal Code

Tax ID # Sales Tax Exempt #

Billing Terms Account Rep

Info Required on Invoice (PO or Job #)

Are you utilizing any external funding for your project (ex. FEMA, CARES): Y [] or N []

Please list all external sources: _____

Contract Contact Email

Phone Ext. Fax

Project Contact Email

Phone Ext. Fax



To: Village Council

From: Nasser Rahimzadeh, Village of Clemmons Planning Director

Date: October 28, 2021; November 3, 2021

Re: Planned Residential Development Regulations, Open Space Requirements, and Fee in Lieu

Planned Residential Developments (PRDs) are floating¹ zones geared towards residential subdivisions that provide a level of flexibility traditional subdivisions do not.

CLEMMONS	LEWISVILLE
Minimum Size: 3 to 5 contiguous acres	Minimum Size: 5, unless where single family is used
Land Ownership: Landowner/authorized by LO	Land Ownership: Must be in single or joint ownership
Uses: Per underlying zoning	Uses: Per underlying zoning
Bonus Density: Option with limitations	Bonus Density: Option with limitations
On-Street Parking & Private Parking: Allowed	On-Street Parking & Private Parking: Allowed
Common Open Space: 15-50% required	Common Open Space: 20-30% required
Lot Dimensions: Variable	Lot Dimensions: Variable

Lot Size

The lot sizes between the two municipalities are similar with the key exception that Lewisville allows for planned residential developments to be smaller than 5 acres in instances where the use is exclusively single-family.

Land Ownership

Lewisville requires landownership to be under a single or joint venture. Since updating its ordinances in July, the Village of Clemmons requires that all development applications come from the landowner or provide evidence that the landowner consented to the application.

Uses

The Village of Clemmons allows for whatever uses are permitted within the underlying zoning district. In theory, this means that non-residential zones can be included in the PRD. Lewisville differs from Clemmons by restricting the non-residential zones to uses permitted in Neighborhood Office (NO) and Neighborhood Business (NB). Non-residential uses can only be established in developments containing one hundred (100) dwelling units.

¹ Basics — A floating zone is a zoning district that delineates conditions which must be met before that zoning district can be approved for an existing piece of land. Rather than being placed on the zoning map as traditional zones are, however, the floating zone is simply written as an amendment in the zoning ordinance. Thus, the zone "floats" until a development application is approved, when the zone is then added to the official zoning map. Floating zones can be used to plan for future land uses that are anticipated or desired in the community, but are not confirmed, such as affordable housing, shopping centers, and urban development projects. They can also be used for cluster zoning, planned-unit developments (PUDs), and urban development projects.

Density Bonuses

The Village of Clemmons allows for a cumulative bonus density of 20% in the instance the development sets aside $\geq 60\%$. The bonus only applies to Yadkin River, Agricultural, Residential Single-Family (RS-40, RS-30) zoning districts. Note that Residential Single-Family (RS-20) through Residential Multifamily (RM) receive no bonuses for open space in addition to what is required. F.E.M.A 100-year floodplain land shall not be used in the calculations of open space for the purposes of the density bonus provisions.

The Town of Lewisville allow for bonus density in the instance where steep slopes (i.e. $\geq 20\%$) are permanently prohibited from development. The Town of Lewisville caps bonus density at 25% of maximum density allowed.

On Street/Off Street Parking

Nothing particularly unique stands out for either development regulation regarding parking. The proposed development should use off street parking to satisfying requirements and may use on street to satisfy some parking space requirements, not all.

Open Space

The Village of Clemmons and Town of Lewisville have three types of open space with each municipality having its own types and definitions. The Village of Clemmons has the following types of open space:

- **Active Open Space.** ...Active Open Space shall consist of natural and (primarily) man-made features each of which is easily accessible to pedestrians and is so configured, planned, located, constructed, and maintained so as to be capable of being easily used for its intended purpose. Without limiting the generality of the foregoing, examples of such features include community recreation areas, walking trails, golf courses, pocket parks, and neighborhood greens. Generally, pocket parks and neighborhood greens should be no larger than one quarter of one ($\frac{1}{4}$) acre in size. Active Open Space shall be purposeful and shall not be simply the interstitial spaces between buildings. Pedestrian access to this space is required, either by sidewalk or all-weather surface. Active Open Space shall comprise a minimum of fifteen (15) percent of the total required open space of a PRD in the RM, RSQ, RS-7, RS-9, RS-12, RS-15, and RS-20 zoning districts. Active Open Space shall comprise a minimum of five (5) percent of the total required open space in the RS-30, RS-40, AG, and YR zoning districts.
- **Passive Open Space.** ...Passive Open Space shall consist of natural features such as meadows, woods, agricultural land, riparian buffers and steep slopes.
- **Thoroughfare Open Space.** ...If PRDs are located in GMA 3, 4, or 5, and are contiguous to major or minor thoroughfares, Thoroughfare Open Space shall be required. The intent of this Thoroughfare Open Space is to preserve or enhance existing viewsheds along major transportation corridors.

The amount of open space required for the development is on a sliding scale:

Yadkin River Zoning District	50%
Agriculture – Residential Single-Family (RS-30)	45%
Residential Single-Family to Multifamily (RS-20, RS-15, RS-12, RS-9, RS-7, RS-Q, RM)	15%

Last, open space requires connectivity within a PRD, where practicable.

The Town of Lewisville has the following types of common open space:

- Environmental: Includes riparian area, steep slopes and, when feasible, other significant natural areas.
- Scenic: Includes sensitive view corridors from roads, parks and other public areas.
- Internal: Includes pocket parks, street terminations and other prominent open space features intended to be readily available to resident.

The amount of open space required for the development is on a sliding scale:

YR, AG, RS-40, RS-30	20%
RS-20, RS-15, RS-12, RS-9, RS-7, RS-Q, RM, IP, MU-S	30%

Minimum average open space quotient is determined by dividing the square footage of open space used to satisfy requirements per the above sliding scale by one quarter (0.25) of the lineal footage of its periphery. The minimum average quotient throughout the development cannot be less than one hundred (100) feet.

Both require that the open space and amenities be held in private ownership and by a nonprofit corporation in which all owners of property within the development have automatic membership rights and assessment obligations for the maintenance of these areas.

It is to be noted that both the Town of Lewisville and Village of Clemmons have common recreation areas and these requirements activate when forty (40) or more multifamily units are constructed. Outside of PRDs the Village of Clemmons requires the dedication of land for public park, greenway, recreation, and open space sites that serve the recreational needs of the residents of the development in its subdivision regulations while the Town of Lewisville does not.

Lot Dimensions

The language for both municipalities is near facsimile. Both allow for flexibility by eliminating lot dimensions and base setbacks on the distance between residences, accessory structures, and public/private roads.

Fee in Lieu

The Village of Clemmons is the only municipality out of the two to require dedication of land and the only municipality to allow a fee to be paid in lieu of dedication of land. The subdivision ordinance does leave it to Village Council to decide whether or not a fee is to be accepted:

D.4(B)(4)(c) Procedures

(i) At the time of filing a preliminary plat, the subdivider shall designate thereon the area or areas to be dedicated pursuant to Section (c). If the subdivider desires to make a payment in lieu of the dedication of land, a letter to that effect shall be submitted with the preliminary plat. The Village Council reserves the right to refuse to accept the dedication of parcels for public parks or open space. In such case the area dedicated for public use shall be maintained by the developer or a homeowner's association acceptable to the Village of Clemmons.

Resolution Number **2021-R-18**

RESOLUTION OPPOSING HB 425 PROPOSED LEGISLATION ON DEVELOPMENT REGULATIONS/MULTIJURISDICTION

WHEREAS, the legislation proposed in HB 425 is an attempt to usurp the authority of the Village of Clemmons and other municipalities within North Carolina; and

WHEREAS, the legislation is contrary to the regulatory philosophy of municipalities such as the Village of Clemmons and our efforts to manage our growth and infrastructure; and

WHEREAS, the exclusionary policies in House Bill 425 are of great concern to the citizens and Elected Officials of the Village of Clemmons and other municipalities within North Carolina as policy provisions on split jurisdiction should include all local governments and impacted landowners; and

WHEREAS, the provisions in House Bill 425 will damage or, in some cases, completely obliterate local authority and affect the ability of local officials to preserve community character, protect home values, and attract new residents and businesses; and

WHEREAS, over the years the Village of Clemmons has made significant efforts to ensure that all development ordinances protect pre-established citizens and infrastructure; and

WHEREAS, the Village of Clemmons, in our efforts to preserve our small-town character and quality of life, has a deliberate plan for development/redevelopment standards within the community; and

WHEREAS, this legislation will undermine all that we have worked for over the last 35 years to maintain our unique character; and

WHEREAS, the exclusionary provisions in this legislation are particularly troubling as in all cases it usurps the Village of Clemmons to participate on all development/redevelopment with portions of land within Clemmons; and

WHEREAS, the Village of Clemmons would be exposed to adverse externalities of developments partially within municipal limits being developed under lesser development regulations that fail to adequately address development impacts; and

WHEREAS, Village officials were elected by their citizens for a reason – to protect and preserve the quality of life that they have come to enjoy and the financial resources; and

WHEREAS, residents could not enjoy orderly development if it weren't for the efforts put forth by its elected officials and Village staff in utilizing effective and proven unified development ordinances; and

WHEREAS, Proposed addition 160D-203(b) would force local governments to compete in a race to the bottom by reducing the strength of their development regulations that were developed to promote the public health, safety and general welfare to curry the favor of a landowner; and

WHEREAS, the Village of Clemmons Council urges that House Bill 425 be rejected by the North Carolina Senate; and

NOW, THEREFORE, BE IT RESOLVED copies of this resolution be sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop HB 425 from becoming law and to work together to find real ways to engage all stakeholders in the regulation of future development/redevelopment.

Adopted this the 8th day of November 2021.

John Wait, Mayor

Chris Wrights, Mayor Pro Tempore

Mike Rogers, Council Member

Michelle Barson, Council Member

Mary Cameron, Council Member

Scott Binkley, Council Member

ATTEST:

Lisa Shortt, Village Clerk

