



PLANNING BOARD AGENDA

Members:

Chairman: Mark Lane (ETJ)

Vice-Chairman: Debbie Howard (Town)

Doris Wallace(Town)

Ashley Spain (ETJ)

Bryan Stanley(Town)

Alisa Bizzell (Town)

Wiley Narron (Alternate)

Stephen Wensman, AICP, ALA, Planning Director

Mark Helmer, AICP, CFM, Senior Planner

Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, May 4, 2023

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

PLANNING BOARD AGENDA

FOR REGULAR MEETING

MAY 4, 2023

MEETING TIME: 6:00 PM

TOWN HALL COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Identify voting members.

Approval of the agenda.

Approval of the minutes for April 6, 2023.

New Business.

ZA-23-06 Town of Smithfield: The applicant is requesting an amendment to the Unified Development Ordinances, Article 10, Performance Standards and Article 2, General Regulations.

Old Business.

Adjournment.

**Town of Smithfield
Planning Board Minutes
Thursday, April 6th, 2023
Town Hall Council Chambers
6:00 PM**

Members Present:

Chairman Mark Lane
Alisa Bizzell
Doris Wallace
Wiley Narron
Ashley Spain

Members Absent:

Vice-Chairman Debbie Howard
Bryan Stanley

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA Doris Wallace made a motion to approve the agenda; seconded by Alisa Bizzell. Unanimously approved

APPROVAL OF MINUTES for March 2nd, 2023

Doris Wallace made a motion to approve the minutes, seconded by Alisa Bizzell. Unanimously approved.

NEW BUSINESS

ZA-23-03 Town of Smithfield: The applicant is requesting an amendment to Unified Development Ordinances, Article 10, Part 1, Section 10.95, Airport Height Hazard Overlay (AHH) to help insure safe movement of aircraft near the Johnston County Regional Airport.

Mark Helmer stated that staff is requesting approval of an update to the Airport Height Hazard Overlay (AHH) regulations in Article 10, Section 10.95 and associated definitions in Appendix A. Planning Director Stephen Wensman participated in a stakeholder group to assist and guide the update to the Johnston County Regional Airport Master Plan. As part of this update, the consultants for the airport identified needed updates to local regulations per the FAA model ordinance. The updates to Article 10, Section 10.95 and associated definitions in Appendix A reflect the recommended changes.

He explained the amendment provides a clearer description and guidance on the various airport zones as it pertains to dimensional characteristics, height and lighting requirements. The amendment also updates certain terms found within the AHH Overlay ordinance.

The zoning text amendment as proposed is consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Planning Staff recommends approval of the zoning text amendment, ZA-23-03, with a statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Mark Lane asked what zone the proposed hotel would be in at the Blueline development?
Mark Helmer said zone D, 150 Ft.

Doris Wallace moved to recommend approval of zoning text amendment, ZA-23-03, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Ashley Spain. Unanimously approved.

ZA-23-04 Town of Smithfield: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinances, Article 6, Section 6.6, Tables of Permitted Uses and Activities that will remove government offices as a permitted use in the light industrial and heavy industrial zoning districts.

Mark Helmer said In the process of recodifying the UDO for publication online with Municode, staff noticed that government offices are a permitted use in the Light and Heavy Industrial zoning districts. Given the importance of industrial land to the tax base, staff is recommending the government offices be stricken as a permitted use.

Staff finds the zoning text amendment as proposed consistency with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Planning Staff recommends the Planning Board recommend approval of the zoning text amendment ZA-23-04 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Doris moved to recommend approval of zoning text amendment, ZA-23-04, amending Article 6, Section 6.6 Table of Uses and Activities to strike “government offices” from the Light and Heavy Industrial Districts finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Ashley Spain. Unanimously approved.

ZA-23-05 Town of Smithfield: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinances, Article 10, Section 10.1 that will restrict the severe pruning of regulated landscaping.

Mark Helmer stated that Staff is requesting the Planning Board recommend approval of an ordinance amendment to Article 10, Section 10.11. Maintenance to prohibit severe pruning of

required landscape trees. As part of the Planning Board's quarterly review of the UDO they discussed and recommended that Staff update the landscape maintenance section of the UDO to address severe pruning of required trees. Pollarding/ topping crepe myrtles has been a common form of pruning for this species, however, this past season, the practice has spread to other required landscape trees that has negatively impacted required street yards throughout the Town.

The Town's landscape ordinance has requirements for understory, canopy trees and shrubs. Canopy trees are intended to get large and provide shade in the landscape. The landscape ordinance requires 2" caliper, 12–14-foot-high trees that will exceed 35 feet at maturity.

Understory trees are typically for ornamental purposes to be planted at about 8-10 feet in height and to remain under 35 feet at maturity. The purpose of the ordinance is to have a mix of shade trees and ornamental trees on a development site. By topping or pollarding, landscapers are attempting to keep the trees small, defeating the purpose of the ordinance. In many cases the topped trees are kept at a 5-6' height, the same height as a mature shrub. The proposed ordinance would prohibit severe pruning such as topping and pollarding such that the trees can grow with a natural form.

Alisa Bizzell moved to recommend approval of zoning text amendment, ZA-23-05, amending Article 10, Section 10.11., finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Doris Wallace. Unanimously approved

Adjournment

Being no further business, Alisa Bizzell made a motion seconded by Doris Wallace to adjourn the meeting. Unanimously approved.

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist



Request for Planning Board Action

Agenda ZA-23-
Item: 06
Date: 5/4/23

Subject: Articles 2, 10, and Appendix A Updates
Department: Planning Department
Presented by: Stephen Wensman
Presentation: Business Item

Issue Statement

Planning Staff requests the Planning Board review the draft updates to UDO Articles 2, 10 and Appendix A.

Financial Impact

None

Action Needed

To review the proposed UDO Amendments to Articles 2, 10 and Appendix A to recommend approval, approval with changes, or deny the request.

Recommendation

Staff recommends the Planning Board approve of ZA-23-06 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Draft UDO Articles 2, 10 and Appendix A
3. Consistency Statement
4. Application for Zoning Text Amendment



Staff Report

Agenda Item: ZA-23-06

Overview:

In 2018, the Planning Board reviewed proposed amendments to Article 10 for Board feedback. Article 10 contains the Town's development performance standards which are closely linked to the Town's Standard Specifications and Details Manual. The draft ordinance was to be forwarded to Council when the Town completed its update to the Standard Specifications and Details Manual. The update to the Manual was going to be completed in-house in cooperation with the Town Engineer, however, this work was delayed due to the Town Engineer's workload. In 2022, the Planning Department hired KCI to assist with the update to the Manual and that project is now far enough along for Staff to move forward with Article 10.

As part of the Article 10 updates, Staff "performance items" from Article 2 are being moved to Article 10.

Appendix A is being amended for 160D and to better reflect terms in the table of uses and activities and performance standards.

Draft Amendments:

The following summarizes the changes to each section:

Article 2 - General Regulations

- Moves performance standards to Article 10.
- Section 2.21, references the Town's Standard Detail and Specifications Manual.
- Updates 2.22 to provide clarifications.

Article 10- Performance Standards - Part I. Off-Street Parking

- 10.2 - Clarifying, updating and breaking up this section to be more readable.
- 10.2.1.1 – Requiring paved parking (no gravel parking).
- 10.2.3.1 – Requires new residential driveways to be paved, except in R20A, and aligns junk vehicle exception with administrative code.
- 10.2.4.6 – Adds a standard for semi-tractor and trailer parking.
- 10.2.5 – Updates parking lot requirement.
- 10.2.5.5 – Clarifies curb requirements.
- 10.2.5.7 – Updates bumper requirement.
- 10.2.5.9 – Updated and adds a reference.

- 10.2.8 – Adds proof of parking section to minimize paving where it may not be necessary for the particular land use.
- 10.2.8 – Adds curbing requirement to protect pedestrian ways.
- 10.2.10 – Adds UDO administrator’s ability to waive lateral access if it provides no public benefit or if no feasible. The BOA does not make adjustments, rather it handles appeals and variances.
- 10.2.13.1 – Struck section on BOA. Appeals are already codified elsewhere.
- 10.2.13.2 – Appeals of the UDO Administrator’s decision are already codified elsewhere.
- 10.3 – The UDO Administrator will determine parking requirements when the 10.3 does not provide clear requirements.
- 10.5.1.3 – Unnecessary section stricken.
- 10.5.2 – Strengthened off-stree loading section.
- 10.5.3 – Text stricken - the BOA hears variances and appeals.
- 10.6 – Updates section. Requires paving for driveways including residential driveways, except within the R-20A.
 - Broke up the section for readability.
 - 10.6.4 – Updated to be aligned with Engineering Standards.
 - 10.6.6 – Delete’s brick driveway section. Brick driveways are not permitted within the public right of way, but are permitted on private property with a standard concrete driveway apron.

Article 10- Performance Standards - Part II. Landscape Requirements

- 10.8 Applicability – Clarifies applicability.
- 10.9 – Clarified Tree Resource Management and requires a zoning permit for forestry activities to ensure compliance with State and local ordinances.
- 10.9.1.8 – Clarifies SF exemption from Tree Resource Management and removes the misplaced section car dealerships. Prior to final plat, the lots do not exist.
- 10.10.2 – The planting details are moved from Appendix B of the UDO to the Standard Specification and Details Manual
- 10.13.1.8 – Fixes a typo in the Streetyard requirements.
- 10.14 – Adds dimensions to Type C and D bufferyards and removes the reference to PRD (no longer exists in UDO)
- 10.15.3 – Dumpster regulations moved from Section 2.27 and updated
- 10.15.4 - Clarified section.
- 10.15.5 – Creates buffer requirements for double fronted lots
- 10.16 – Added requirement that landscape plans identify planting bed edges, bed material, sod and seeded areas, identify irrigation if applicable, and landscape notes or planting instructions.

Article 10- Performance Standards - Part IV. Lighting Ordinance

- 10.34.3 – Appeals and variances are by BOA. Site Plans are administrative and do not get reviewed by the Town Council.
- 10.34.3.6 – Stricken because it's in conflict with 10.34.3.4 which requires cutoff fixtures.
- 10.34.4 – Updated lighting in parking lots and outdoor areas – PB and Town Council do not review site plans. Appeals and variances are by the BOA.
- 10.34.5 - Update to require recessed lighting for vehicular canopies.

- 10.34.7 – Section updated to prohibit flood lights and removes references to PB and TC review and approval. Site plan approvals are administrative.
- 10.34.10 – Clarified section.

Article 10- Performance Standards - Part V. Traffic Impact Study

- 10.41.1 Struck reference to BOA as they have no involvement in Traffic Studies.
- 10.54 - Add reference to buffer requirements in Watersheds.

Article 10- Performance Standards - Part VIX. Overlay Districts

- 90.93 - Updated ECO District regulations per the Town Plan recommendations. These standards should be reviewed carefully. The PB and TC should consider the intent and purpose of the overlay and decide whether the regulations are relevant as currently drafted and whether the draft amendment is appropriate.
- 10.94 – Struck this section because rowhouses can be better achieved through the conditional zoning process.

Article 10- Performance Standards - Part X. Subdivision Regulations

- 10.96 – Added applicability incorporating Section 1.3.4.3 and updating to conform with 160D.
- 10.100 – Update code references in table.
- 10.107 – Update reference from NCDENR to NCDEQ.
- 10.xxx – Add Cluster Mailbox standards.
- 10.110 Streets – added references to Standard Detail and Specifications Manual and updated section.
 - Updated to current terminology.
 - Incorporated Section 2.15.
 - Updated lot area requirements with reference to Article 8.
 - Increased the minimum lot area for septic lots to 1 acre based on a recommendation from Johnston County.
 - Added a minimum depth for double-fronted lots.
- 10.110.1.5 – Updated easement requirements.
- 10.110.2 – Updated private street requirements to reference the Standard Detail and Specifications Manual and HOA documents to be reviewed and approved by the Town Attorney.
- 10.110.3. Updated Marginal Street Access section with updated terminology.
- 10.110.5 – Updated section on half-streets.
- 10.110.9 - 10.110.17- street standards are contained in the Town’s Standard Detail and Specifications Manual referenced herein.
- 10.110.14 – Alley’s section updated.
- 10.110.19 – PUD Streets updated requiring sidewalks on both sides of PUD streets.
- 10.110.20 – Updated to reference Manual.
- 10.111.2. – Updated to match Fire Code.
- 10.111.6 - Updated temporary turnaround requirements to meet Fire Code.
- 10.112 – Updated sidewalk requirements.
- 10.112.3 – Updated and add reference to the Pedestrian Plan.
- 10.113.1. Water and Sewerage Systems.
 - Updated to match administrative code.

- Added On-site wastewater (septic) systems shall be located on the lot in which the system serves unless an alternative location within an easement is approved by the Town Council.
- 10.116.2 – Updated acceptance of dedications. Acceptance of dedications by resolution has been removed. According to 160D-806. Effect of plat approval on dedications. The approval of a plat shall not be deemed to constitute the acceptance by the local government or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, any governing board **may** by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction.
- 10.117 BOA approves variances per Section 4.10.
- 10.119 Added section on exempt plats and updated certificates.

Appendix A- Definitions

- Added definitions per 160D.
- Added or modified definitions to reflect land use terminology in Section 6.6.

Note: The UDO is a living document that will require continual refinement to address new land uses and situations that exist.

Consistency Statement (Staff and Planning Board’s opinion):

Planning Staff and Planning Board finds the zoning text amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Recommendation:

Planning Staff and the Planning Board recommend approval of zoning text amendment, ZA-23-06, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest

Suggested Motion:

“move to recommend approval of zoning text amendment, ZA-23-06, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”

ORDINANCE # ZA-23-06
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLES 2, 10, AND APPENDIX A, UPDATE TO
PERFORMANCE STANDARDS.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Articles 2, 10, and Appendix A for a general update of performance standards.

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

PART 1

[Revise Article 2, striking sections to be moved to Article 10 Performance Standards and miscellaneous updates.]

~~Sec. 2.15. Lot Requirements/Dimensions.~~

~~2.15.1. [Side Lot Lines.]~~

~~Insofar as practical, side lot lines which are not right-of-way lines shall be at right angles to straight street lines or radial to curved street lines.~~

~~2.15.2. [Sufficient Area.]~~

~~Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this ordinance.~~

~~2.15.3. [Irregularly Shaped Lots.]~~

~~The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.~~

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~~Sec. 2.20. Driveways; Permit Required.~~

2.20.1. [Obtaining a Permit.]

No person shall construct, reconstruct, or repair any driveway within the town without first obtaining from the UDO Administrator a zoning permit to do so. Such person shall construct, reconstruct, and repair such driveway under the supervision of the UDO Administrator, and in accordance with town specifications.

2.20.2. [Distance; Intersection.]

No portion of any residential driveway intersection with a town public street shall be closer than twenty (20) feet to the corner of any intersection, measured along the right-of-way line. In commercial and industrial zones, this distance shall be thirty-six (36) feet. The width of any driveway intersection with the public street shall not exceed thirty-six (36) feet at its intersection with curb and street line. Driveway connections to the State of North Carolina Department of Transportation controlled streets must be requested from and approved by DOT on its standard form. Driveways that have double lane ingress and egress (four [4] lanes) shall be a minimum forty-eight (48) feet width at intersection with curb and street line.

Sec. 2.21. Street Intersection Sight Visibility Triangle.

The land adjoining town-maintained street intersections or egress to a town-maintained street from off-street parking areas shall be kept clear of obstructions to protect the visibility and safety of motorists and pedestrians in accordance with the Smithfield Standard Specifications and Design Manual and ~~On a corner lot, nothing shall be erected, placed, or allowed to grow in a manner so as materially to impede vision between a height of thirty (30) inches and thirteen (13) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines, twenty-five (25) feet from where they intersect. A clear view shall be maintained on corner lots from thirty (30) inches to thirteen (13) feet in vertical distance. Intersections of or with state maintained streets shall comply with NCDOT sight distance triangle requirements. Parcels in the B-1 district are exempt from this section, unless otherwise required by NCDOT standards.~~

~~Strike graphic of Site Visibility Triangle~~

Sec. 2.22. Sidewalks.

All new O/I (Office/Institutional), B-1 (CBD), B-2 (General Business), and B-3 (Highway Entranceway Business) district construction permitted following the adoption of this Ordinance shall be required to construct five (5) foot sidewalk(s) or eight (8) foot wide trail in accordance with the Town's Pedestrian Plan, on or adjacent to the street right-of-way. If the required sidewalk/trail is to be constructed adjacent to a thoroughfare right-of-way, it shall be constructed within an unobstructed easement of at least ten (10) feet in width. The sidewalk(s)/trail(s) shall comply with the Town of Smithfield Standard Detail and Specifications Manual. ~~document and NCDOT requirements.~~

Sec. 2.23. Curb Cuts.

Construction of curb cuts for purposes of ingress and egress to property abutting a town public right-of-way shall be approved by the UDO Administrator. The North Carolina Department of Transportation is the approval authority where said curbs affect access to State Highways. Provision for all access work done on state highway right-of-way is subject to approval by the NCDOT.

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Sec. 2.27. Dumpsters.

~~In all zoning districts, dumpsters must be located on a concrete pad with a six-foot high solid enclosure with solid gates.~~

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PART 2

[Revise Article 10, to update performance standards in conjunction with updates to the Standard Specifications and Details Manual.]

ARTICLE 10. PERFORMANCE STANDARDS

PART I. OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

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10.2.1. Off-Street Parking Requirements.

There shall be provided at the time of the erection of any building, at the time an existing structure is demolished in order to permit new construction, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one ~~type of land use category or occupancy~~ to another, permanent off-street parking space in accordance with in the amount specified by this Ordinance. Such parking:

10.2.1.1. ~~space may~~ shall be provided in a parking garage or properly graded and paved parking lot in accordance with this ordinance. ~~open space~~.

10.2.1.2. ~~All parking areas~~ shall be designed so that ingress to and egress from such area shall be established and maintained so that all vehicular traffic shall enter and leave the lot by forward motion of the vehicle.

10.2.1.3. if within the ECO Entry Corridor Overlay District, except for multi-family and single-family uses, shall comply with Section 10.91, ECO Entry Corridor Overlay District ~~Except except tfor multi-family and single-family uses, all off-street parking and loading in the Entry Corridor Overlay District shall be provided in the rear of the principal structure off-street parking in the ECO Entry Corridor Overlay District shall comply with Section 10.91.~~

10.2.1.4. ~~shall not be permitted in a~~ No off-street parking or loading shall be permitted in a required street yard or buffer yard, or open space, except in the case of a single or two family dwelling. No required off-street parking shall be or located on within five feet of a right-of-way line, or within any public right-of-way or encroach by more than 50% on any required setback, or into any required street yard. Under no circumstances shall parking be located within five feet of a right-of-way line.

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10.2.3. Vehicle Storage.

10.2.3.1. Residential Districts. Vehicles intended for personal use may be parked or stored on property zoned for residential use, except within the R-20 A zoning district, on a driveway in accordance with Section 10. 6, except one (1) junked motor vehicle which can be located in the rear yard (off driveway, as defined by the town's zoning ordinance, if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering. The town inspector has the authority to determine whether any junked or inoperable motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. Any additional junked motor vehicle must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. No more than one (1) commercial truck, van, or trailer may be driven home and must be parked in a garage or carport or in the driveway and never on the street. Inoperative vehicles, including trucks, vans, or trailers, may not be stored in a residential district.

10.2.3.2. Business and Industrial Districts. Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles, in any business or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved ~~junk or wrecking~~ salvage yard. Overnight parking or storage of tractor trailers in commercial districts is strictly limited to vehicles associated with the commercial establishment operating on the premises.

10.2.4. Parking Space Arrangements and Dimensions.

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10.2.4.6 Semi-Tractor and Tractor Trailer Parking.

Semi-tractor and tractor trailer parking shall be paved with either asphalt or concrete except for Heavy and Light Industrial zoning districts which shall be in accordance with Section 7.2. Such parking shall be striped such that the parking space is at least 12 feet in width and at least 55 feet in length exclusive of driveways, aisles, ramps, maneuvering space, columns, work areas, and shall have a vertical clearance of not less than 14 feet.

10.2.5. Parking Lots with More than Four Spaces.

10.2.5.1. Surfacing. All required off-street parking lots and associated driveway, interior access drive to and from such off-street parking areas shall be hard surfaced with asphalt, concrete or other similar material to provide a durable, dust-free surface shall be graded and surfaced with blacktop, concrete, brick, or other such surfacing material to ensure a dustless surface condition.

10.2.5.2. Markings. Each parking stall shall be striped in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), with four (4) inch white lines, marked off and maintained so as to be distinguishable.

10.2.5.3. Lighting. Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property in accordance with Part IV of this ordinance.

10.2.5.4. Yards. ~~Except in the Entry Corridor Overlay District, a~~ All such required parking lots shall not encroach within a required streetyard or bufferyard and shall be in conformance with Section 10.2.1.4, observe a minimum front yard of of not less than five feet and a side yard on a corner lot of not less than five feet. ~~Parking lots in residential agricultural and residential districts shall of have front yards of not less than~~

~~15 feet and side and rear yards of not less than five feet. Parking lots in the Entry Corridor Overlay District shall be in accordance with Section 10.93.~~

~~10.2.5.5. Curb/Gutter. Curb and gutter is The required for all new yards shall be set off from parking lots, driveways, and interior access driveways or interior access drives shall have continuous curb/gutter. Breaks in the curb/gutter may be permitted if the engineer's design of the parking lot requires a break to obtain effective stormwater control.~~

~~10.2.5.6. Drainage. Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the UDO Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage that protects the public safety and welfare..~~

~~10.2.5.7. At locations where a sidewalk abuts a 19-foot-deep parking bay, the sidewalk shall be a minimum width of six (6) feet. If less than 6 feet, a wheel bumper shall be required and Separation of Bumper and Walkways. In the event any parking stall abuts upon a walkway, there shall be a space of three and a half (3½) feet between the wheel bumper or curb and the edge of the walkway.~~

~~10.2.5.8. Entrances and Exits. These shall be provided in accordance with Section 10.6 of this ordinance.~~

~~10.2.5.9. Parking lots in the B-3 and Industrial Zoning Districts shall be in accordance with Section 7.2 of this Ordinance. Special requirements apply to parking lots in the B-3 and the Industrial districts in addition to the requirements of this Article.~~

...

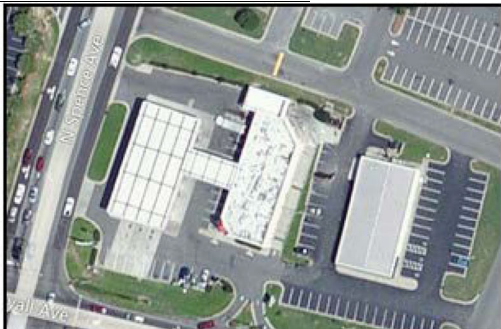
10.2.8. Separation from Walkways, Sidewalks, and Streets.

All parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by concrete curbing or other suitable protective device to prevent vehicles from intruding into these areas.

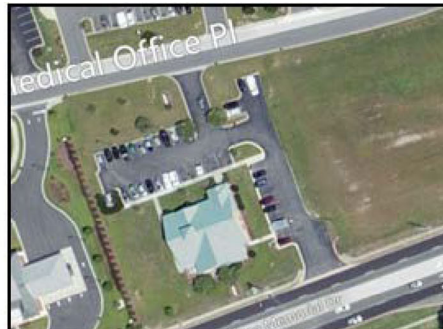
...

10.2.10. Lateral Access.

All new nonresidential development, specifically commercial development, shall provide lateral access to adjacent property which is either: (1) existing nonresidential, or (2) zoned nonresidential. In the site plan process review, lateral access shall be displayed and labeled clearly by showing the appropriate connections. All lateral access connections shall be a minimum of twenty (20) feet in width and maximum of twenty-four (24) feet in width. The UDO Administrator may waive from the lateral access requirements in circumstances where there would be little public benefit to providing a lateral access or the if the access is determined not to be feasible due to particularities of the parcel. , the Board of Adjustment may modify the requirements herein.



Cross access provided between sites



Cross access for future development

...

10.2.13. Exceptions.

10.2.13.1. The UDO Administrator may withhold a permit or certificate of occupancy if a parking layout not specifically prohibited by this section would be likely to cause avoidable safety or traffic congestion problems until modification is made. ~~The applicant may appeal the UDO Administrator's decision to the Board of Adjustment under the normal procedure for an appeal.~~

~~10.2.13.2. If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a parking modification.~~

...

Sec. 10.3. Minimum/Maximum Parking Requirements.

The minimum number of required off-street parking spaces shall be calculated as follows. In the case of a building or use not expressly provided for, the number of off-street access spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one (1) use in a single structure, or on a single tract, or two (2) or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, except for shopping centers which are expressly provided for.

Classification	Off-Street Parking Requirement
RESIDENTIAL	
Dwelling, Single-Family	2 spaces
Dwelling, Manufactured Home	2 spaces
Dwelling, Multi-Family	
- One bedroom	1.5 spaces per unit
— Two bedrooms	1.75 <u>2</u> spaces per unit
- Three <u>Two</u> bedrooms <u>or more</u>	2 spaces per unit <u>plus 1 guest parking space per 4 units.</u>
ACCESSORY USES/BUILDINGS	
Accessory Business or Residential Unit (Incl. Home Occupations)	2 spaces per business or residence
Accessory Buildings	Same ratio as the principal use
EDUCATIONAL, OFFICE/INSTITUTIONAL, AND RETAIL SALES AND SERVICES	
Retail, Enclosed	1 space per 200 square feet
Retail, Outdoor (incl. commercial recreation)	1 space per 600 square feet of parcel area
Restaurant	<u>1 space per 3 seats including outdoor seats</u> 150 square feet enclosed floor area
Office (including medical clinics)	4 spaces per 1,000 square feet
Lodging	1 space per room plus 1 space per employee
Institutional/Civic	5 spaces per 1,000 square feet
Hospital	1.5 spaces per patient room plus 3 spaces per 1,000 square feet of office area.

Child care facility/adult day care facility	1 space per 4 persons of licensed capacity.
Schools, Elementary or Junior High	3 spaces for each room used for administration offices, class instruction, or 1 space for each 6 seats in auditorium and other places of assembly or facilities available for the public, whichever is greater
Schools, Senior High	1 space per school employee and 1 space per 4 students
Assembly	1 space per 3 fixed seats plus 1 space per 3 movable seats
Other	Determined by the UDO Administrator in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering
MANUFACTURING AND INDUSTRIAL USES	
Adult and sexually oriented businesses	1 space per 500 square feet of gross floor area
All other industrial uses	1 space per employee
RECREATION USES	
The most applicable of the following standards shall apply for all recreational uses, including auditoriums, assembly halls, or stadiums:	1 space per 4 fixed seats; 1 space for each 40 square feet of floor area available in establishment as a meeting room; 1 space for each 150 square feet of gross floor area; 1 space per 600 square feet of parcel area.
TEMPORARY USES/STRUCTURES	
To be determined by the UDO Administrator based on the site specific conditions and principal use.	
AGRICULTURAL USES	
To be determined by the UDO Administrator based on the site specific conditions.	

Note: The maximum parking allowed shall not exceed one hundred fifty (150) percent of the minimum parking specified in this section.

Special situations which are not covered by the above shall be ~~handled~~ determined by the ~~Board of Adjustment~~ UDO Administrator. ~~The Board of Adjustment shall make the final determination as to the number of spaces to be required, but shall in all cases give due consideration to the needs therefor.~~

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10.5.2. Design.

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10.5.2.3. Each required off-street loading space shall be designed with appropriate means of vehicular access and circulation to a street from a driveway in a manner which will least interfere with traffic movements. Loading areas shall be designed such that vehicles shall enter and leave the site by forward motion of the vehicle.

10.2.2.4. Parking areas for passenger vehicles are prohibited where it may conflict with truck circulation or maneuvering into the truck loading areas.

10.5.3. Spaces.

The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Use	Off-Street Loading Requirement
Office and Institutional Uses including Hotels and Motels	One space for each 50,000 square feet of gross floor area or fraction thereof.
Retail Business	One space for each 20,000 square feet of gross floor area or fraction thereof.
Wholesale Trade and Industry	One space for each 10,000 square feet of gross floor area or fraction thereof.
Elementary, Junior High, High Schools, Kindergartens, Nurseries, and Day Care Centers	One space for each 50,000 square feet of gross floor area of fraction thereof, plus a safe place off the street for the loading and unloading of children from automobiles and buses.

Exceptions. If a peculiar characteristic of an establishment makes the requirements of this section clearly unrealistic, the Board of Adjustment may grant the applicant a modification of the loading requirements in regard to that particular establishment.

The UDO Administrator may allow a new use to be established in an existing building even if all loading requirements of this section cannot be met for the new use, provided that as much loading space as can reasonably be provided is provided by the use and traffic or safety hazards will not be created.

Sec. 10.6. Driveways.

10.6.1. General.

After the date of passage of this section, only driveways designed, approved, constructed, and surfaced in accordance with the provisions herein shall be allowed to provide motor vehicle access to or from any property upon which a building has been constructed, reconstructed, or physically altered.

10.6.1.1. All New driveways ~~driveways~~ to required parking, loading or other vehicular use area for commercial, industrial, institutional and multi-family residential uses shall be paved with either asphalt or concrete, or with alternative paving material (e.g., concrete pavers, brick, "turfstone" or similar pervious material) determined to exhibit equivalent wear resistance and load bearing characteristics as asphalt or concrete.

10.6.1.2. Except for single family properties in the R-20A zoning district, new driveways and parking within the front yard of single-family properties must be constructed of non-erodible surfaces such as asphalt, concrete or pavers or four inches of gravel with permanent borders. Driveways and parking may cover a maximum of 40 percent of a front yard unless restrictions on impervious surface coverage pose greater restrictions on the lot.

10.6.1.3. All new driveway aprons shall be constructed in accordance with the Town's Standard Specifications and Details Manual.

10.6.1.4. Before a building permit is issued for the construction, reconstruction, or change in use of any building or land ~~used for purposes other than a single or two family residence~~, all driveways shall be reviewed and approved by the ~~Planning Director~~ Administrator. ~~Private driveways serving single family and two family dwellings shall not be regulated by the provision of this Ordinance. "Construction, reconstruction, or change in use" refers to those improvements made to the site involving overall structure size or to changes in use which would require the addition of one or more parking spaces under the provision of Article 10, Part I, Off-Street Parking and Off-Street Loading Requirements; it is not intended to refer to construction activities which merely involve changes to exterior architectural features (e.g., painting, addition of siding, roofing activities, etc.).~~

10.6.1.5. Discontinued driveway access. When the use of any driveway has been permanently discontinued, the property owner of that driveway shall, at his expense, replace all necessary curbs, gutters, aprons, sidewalks, and appurtenances thereto, within sixty (60) days of receipt of a written notice from the Administrator.

10.6.1.6. Driveway conflicts. No driveway shall conflict with any municipal facility such as traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, bus stops, utility poles, fire-alarm supports, meter boxes, and sewer clean-outs or other necessary structures, except with the express approval of the Director of Public Works. Any adjustments to municipal facilities to avoid such conflicts shall be at the expense of the driveway applicant.

10.6.2. Permit Requirements.

A permit must be obtained from the ~~Public Works Director~~ Planning Director with approval from the Public Works Director prior to the removal, alteration, or construction of any curb, driveway, gutter, and/or pavement or prior to the performance of any other work in any public or private street.

Conditions governing the issuance of such a permit are:

10.6.2.1. A continuing indemnity bond with sufficient surety acceptable to the town may be required of the party performing the work. All work must be done in conformity with the standards established herein.

10.6.2.2. The town shall be indemnified for any damages it might sustain as a result of the breach of condition above. The damages payable to the town shall be the amount required to make such an improvement conform to town standards.

Based on the Town of Smithfield Schedule of Fees, a fee shall be paid to the town at the time the application for a driveway permit is made.

10.6.3. Submission of Plans.

Two copies of plans showing the location and dimensions of all proposed improvements shall be filed with the ~~Planning Director~~ Administrator for approval prior to the issuance of a driveway permit ~~for uses other than single or two family residential.~~

All design and construction of driveways shall conform to ~~the requirements of the Town of Smithfield Standard Detail and Specifications Manual. North Carolina Department of Transportation.~~

10.6.4. Driveway Location(s).

10.6.4.1. A safe means of ingress and egress shall be provided for all parking spaces that is in conformance with the Town's Standard Specification and Detail Manual. ~~and All driveways for uses other than single and two-family residential and shall conform to the Town's Standard Specification and Detail Manual.~~

10.6.4.2. Two (2) driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds fifty (50) feet.

10.6.4.3. Three (3) driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds one hundred fifty (150) feet and the third driveway is deemed necessary by the Town for reasonable service to the property without undue impairment of safety, convenience, and utility of the roadway. Normally, not more than two driveways shall be permitted for any single property frontage.

10.6.4.4. Four (4) or more driveways entering the same street from a single lot shall be prohibited.

10.6.4.5. In no case may the total width of all driveways exceed fifty (50) percent of the total property frontage.

10.6.4.6. No driveway (nearest edge) shall be located within 10 feet of a side lot property line for multi-family, commercial or industrial property, except in the case of a shared driveway (single curb/access point) utilized by two or more lots.

10.6.4.7. No driveway (nearest edge) shall be located within 25 feet of a local road intersection ~~on a secondary road and~~ or within 40 feet of a on a primary collector road intersection except in the case where no other lot access to a public street or town-approved private road is available.

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10.6.6. Brick Driveways.

~~Brick driveways will be allowed consisting of smooth, hard-burned clay bricks with an appropriate concrete base conforming to the Town of Smithfield design standards of the Administrator. In the event repairs are required after brick driveways are installed due to utility replacement or other construction work, the driveway applicant shall pay that portion of the repair cost which exceeds the cost of repair using standard concrete six (6) inches in thickness. Normal maintenance or replacement will be the responsibility of the driveway applicant.~~

PART II. LANDSCAPE REQUIREMENTS

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Sec. 10.8. Applicability.

The three (3) standard requirements in this section are: Parking Facility Requirements (Section 10.13), Bufferyard Requirements (Section 10.14), and Screening of Dumpsters (Section 10.15.3). ~~The requirements of this article 10, Part II~~ These three (3) standard requirements shall be applicable to the following situations:

10.8.1. Single-Family-Residential-Development.

When a major residential subdivision with new roadways are proposed.

10.8.2. All New Single-Family-Residential Homes on Existing Lots.

All new single-family and duplex dwellings on existing lots shall comply landscape regulations of Section 10.13.1.8.2, Single-Family and Town House Residential Developments.

10.8.3. Multi-Family Residential Development.

When ten (10) or more parking spaces are required for all phases of development excluding all manufactured home parks.

10.8.4. Nonresidential Development.

10.8.4.1. New Construction. When a permitted use, a use or combination of uses contained within a conditional use permit require ten (10) or more parking spaces.

10.8.4.2. Existing Development. When there is a change from an existing use to a new use which requires additional parking and the new use requires ten (10) or more parking spaces.

10.8.4.3. Expansion of Structure. When there is an expansion of an existing structure by greater than twenty-five (25) percent of the gross floor area ~~and that use requires ten (10) or more additional parking spaces.~~

10.8.4.4. Expansion of Site Improvements. When there is an expansion of site improvements by greater than twenty-five (25) percent of the site's hard surface area.

10.8.4.5. Reconstruction of Structure. When there is damage or destruction to an existing structure beyond fifty (50) percent of its assessed value, the reconstruction must conform to the new construction standards of this section.

10.8.4.6. Expansion of Parking Facility. When there is an expansion of the parking facility by a minimum of ten (10) percent of the parking with a minimum of ten (10) total spaces.

Sec. 10.9. Tree Resource Management.

Tree resource management regulations shall apply to all protected trees for both new and existing development in accordance with this Section 10.9. A zoning permit shall be required prior to removal of trees to ensure compliance with state and local regulations. ~~No building permit or certificate of occupancy shall be issued for any improvements upon a property where the provisions of this section have not been complied with.~~

10.9.1. Exemptions.

All properties within the town's jurisdiction shall comply with the requirements of Section 10.9, Tree Resource Management, except as otherwise exempted below:

10.9.1.1. Small Trees. Any tree with a diameter/caliper less than eight (8) inches (circumference of twenty-five (25) inches) or less measured at diameter at breast height (DBH) may be cut at any time without a permit, except replacement plantings.

10.9.1.2. Nursery. A business location where trees are grown specifically for sale, as part of a primary commercial activity, shall be exempt.

10.9.1.3. Utility Construction. Companies and governmental agencies installing and maintaining utilities in easements and rights-of-way shall be exempt when acting in accordance with approved construction plans.

10.9.1.4. Wetlands Mitigation. Wetlands mitigation shall be exempt when working in accordance with an approved plan of the US Army Corps of Engineers or North Carolina Department of Environment and Natural Resources (NCDENR).

10.9.1.5. Hazardous Conditions. If any tree shall be determined to be in a hazardous condition so as to (i) immediately endanger the public health, safety, or welfare, or (ii) cause an immediate disruption of public service, the Public Utilities/Public Works director may determine that replacement with additional trees is necessary. In making determinations, the Public Utilities/Public Works Director shall utilize such professional criteria and technical assistance as may be necessary.

10.9.1.6. Certain Forestry Activities. Only activity associated with growing, managing, and harvesting trees on lands taxed on a present-use value as forest land, or activity being conducted in accordance with a forest management plan shall be exempt from tree resource management. Forestry activities are only permitted in the R-20A Zoning District in accordance with Section 6.5, Table of Uses and Activities.

10.9.1.7. Acts of God. The UDO Administrator may waive the requirements of this article during an emergency such as a hurricane, tornado, windstorm, tropical storm, flood, or other act of God.

10.9.1.8.-Certain Property Types. This article shall not apply to the following types of property in the manner noted: single-family lots

10.9.1.8.1. Except for the construction of single family residences in subdivisions prior to the recording of a final plat for the subdivision, single family residences are exempt from this article.

10.9.1.8.2. Property used for a business primarily engaged in the sale and display of motor vehicles, manufactured housing, boats, recreational vehicles, or similar equipment may have the required landscaping within the streetyard installed at a minimum height of eighteen (18) inches at planting and not exceeding three (3) feet at maturity.

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Sec. 10.10. Installation.

10.10.1. [Standards.]

Plants shall meet the standards for plant quality and size as defined in the most recent version of the American Standard of Nursery Stock manual, published by the American Horticulture Industry Association.

10.10.2. [Installation Details.]

Plants shall be installed in accordance with the Town of Smithfield Standard Specifications and Details Manual. ~~per the installation details included in Appendix B of this ordinance.~~

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10.13.1.8 Streets Yards.

10.13.1.8.1. Commercial Developments. Street yards shall be provided with a minimum depth of fifty (50) percent of the required front or corner side yard setback as measured perpendicular to the street right-of-way, provided that no street yard in excess of fifteen (15) feet in depth shall be required. The width of the planting strip may vary, but the minimum width cannot be less than seven (7) feet and the average width shall be at least ten (10) feet. The planting area must be covered with living material, including trees, shrubs and/or ground cover, so that no soil is exposed at a rate of two (2) canopy tree and ~~twenty two (20)~~ twenty two (20) shrubs per every one hundred (100) linear feet of road frontage. Canopy trees can be replaced by understory trees if in conflict with overhead

utilities. Required trees shall be placed in a planting strip on private property and not within the street right-of-way. No required street yard tree can be planted further than fifteen (15) feet from the edge of the right-of-way to meet this requirement.

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Sec. 10.14. Bufferyard Requirements.

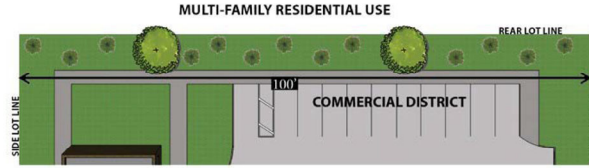
Bufferyards are required for multi-family residential development with ten (10) or more parking spaces and nonresidential development as outlined in Section 10.8. See the table below to determine the type of bufferyard required.

Zoning District and/or Use To Be Developed (below)	Adjacent Land Use				
	Industrial	Commercial	Single-Family Residential	Multi-Family Residential (10 or more parking), PUD, PRD	Open Space
Industrial	N/A	Type A	Type C	Type C or D	Type C or D
Commercial	Type A	50% of Type A	Type B	Type A	Type C or D
Multi-Family Residential (10 or more parking), PUD, PRD	Type C or D	Type A	Type A	N/A	N/A

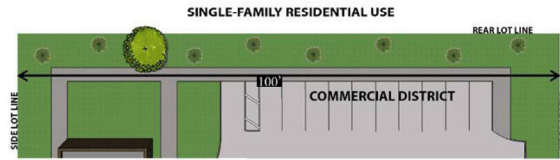
Bufferyard requirements as they pertain to the Table of Uses and Activities (~~Section 6.5~~ Section 6.6) are as follows:

- (1) Industrial shall include all uses allowed within the LI and HI Districts.
- (2) Commercial shall include all uses allowed within the O/I, B-1, B-2, and B-3 Districts.
- (3) Multi-Family Residential shall include all uses allowed within the R-6, R-8, R-MH, PUD, B-1, B-2, and B-3 Districts.
- (4) Single-Family Residential shall include all uses allowed within the R-6, R-8, R-10, R-20A, R-MH, PUD, ~~RHO~~, O/I, B-1, B-2, B-3 Districts.
- (5) Manufactured Home Parks and Junkyards shall provide buffer Type C or D.

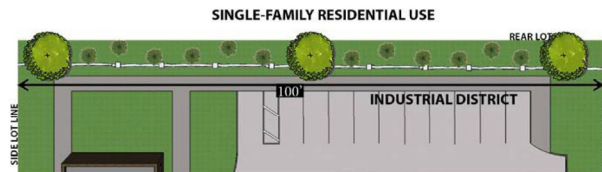
The following provides examples of Type A to D bufferyards.



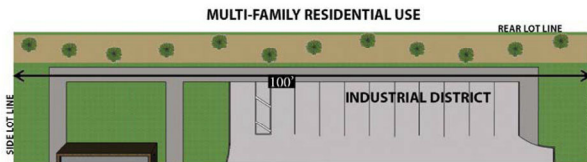
Type A - Bufferyard Example:
 1000 Square Feet of Non-Residential Lot Line Adjacent to
 a Residential Use=
 2 Canopy Tree and
 12 Shrubs



Type B - Bufferyard Example:
 1000 Square Feet of Residential Lot Line Adjacent to a
 Residential Use -OR- Non-Residential Lot Line Adjacent to
 a Non-Residential Use=
 1 Canopy Tree and
 8 Shrubs



Type C - Bufferyard Example:
 Canopy Tree and
 Shrubs
 6' Max High Fence



Type D - Bufferyard Example:
 6' Max High Fence
 3:1 Slope



Type A Bufferyard Screening.

Minimum of 10 feet wide. For every 1,000 square feet, the screen shall consist of a combination of a minimum of 2 Canopy Trees and 12 Shrubs distributed evenly throughout the Bufferyard. (Shrubs shall be 3' minimum at planting and 6' minimum at maturity.)

Type B Bufferyard Screening.

Minimum width of 20 feet, For every 1,000 square feet, or fraction thereof, the screen shall consist of a combination of a minimum of 1 Canopy Tree and 8 Shrubs. (Shrubs shall be 3' minimum at planting and 6' minimum at maturity.)

OPTIONS TO TYPE A AND/OR TYPE B

Type C Bufferyard Screening.

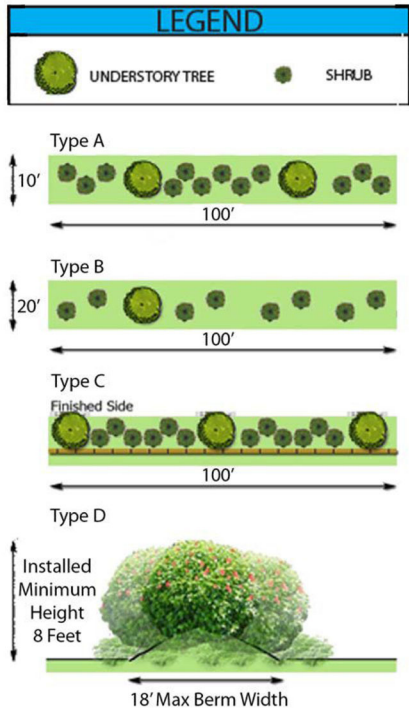
The design, color and materials of any fence or

screen used to meet bufferyard requirements shall be approved by the UDO Administrator. The side of the fence facing the affected property owner shall be the finished side of the fence. The planting shall be three canopy trees and 12 shrubs per 100 linear feet of fencing. All planted screening required to be used in conjunction with a fence shall be approved by the UDO Administrator and planted on the finished side of the fence facing the affected use, and the remaining plantings shall be equally distributed in the bufferyard. The width of the planting bed shall be no less than five (5) feet and shall be wide enough to accommodate the plantings at maturity.

Type D Bufferyard Screening.

An earthen berm may be used in conjunction with planted vegetation made up of small, intermediate, and large shrubs, as approved by the UDO Administrator, provided that the combined height of the berm and planted vegetation shall be an installed minimum height of 6 feet. The slope of the berm shall be stabilized with vegetation and no steeper than 1½:1. The height of the berm shall be a maximum of 8 feet, with a level or rounded area on top of the berm. The berm shall be constructed of compacted earth. Depending upon plant type, plantings should be close enough to ensure an opaque screen at maturity.

NOTE: It is recommended and encouraged that native species and related cultivars be planted.



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10.15.3. Dumpsters or Other Trash Holding Areas.

All dumpsters or other trash holding areas shall be screened on three (3) sides by means of an opaque fence, opaque wall, or solid vegetative buffer.

In all zoning districts, dumpsters must be located on a concrete pad with a six (6) foot high solid enclosure with solid gates. All dumpsters or other trash holding areas shall be accessed internally to the site.

10.15.4. Encroachment into Setbacks.

10.15.4.1. If an existing building structure is located within a setback where the implementation of the streetyard and/or bufferyard requirements are physically impossible and the encroachment into the yard (streetyard or bufferyard) allows for a minimum of three (3) feet of planting area, only the required shrubs shall be planted.

10.15.4.2. If the encroachment into the yard (streetyard or bufferyard) allows for less than three (3) feet of planting area, no planting shall be required in that yard.

10.15.5. Double Fronted Lots.

On all commercial, industrial, institutional, multifamily development (except townhouses) with street frontage on both the front and rear property lines, a 15' vegetated street yard shall be required along the rear frontage consisting of one tree per 50 lineal feet of road frontage: 20 shrubs per 100 lineal feet of road frontage. Single-family-dwelling and townhouses subdivisions shall provide a minimum 15' class C buffer.

Sec. 10.16. Landscape Plan.

Landscape plans shall be submitted with minor or major site plans, special use permit application, and/or request for a zoning certificate of compliance, if Section 10.8 applies. The plans shall be drawn to scale and prepared by a landscape architect, licensed landscape contractor, architect, engineer, or other licensed design professional. These plans shall contain the following information:

10.16.1. Date of plan preparation.

10.16.2. Project name and description of land use.

10.16.3. Project owner and mailing address.

10.16.4. A tree removal permit is required for the removal of any protected trees as specified in Section 10.9.2.

10.16.5. A map at a scale of one (1) inch equals one hundred (100) feet or less showing:

10.16.5.1. North arrow.

10.16.5.2. Scale.

10.16.5.3. Approximate locations and species of all existing hardwood trees at least eight (8) inches DBH, all conifer trees at least twelve (12) inches DBH, and all protected trees (see subsection 10.9.2.1). The canopy drip line of those trees shall be delineated. If groves of protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the map, stating the approximate number of protected trees and species mix, without specifying data on each individual tree.

10.16.5.4. Note on plan stating that prior to any clearing, grading, or construction activity, tree protection fencing will be installed around protected trees or groves of trees. And no construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

10.16.5.5. Locations, dimensions and square footages of required buffer strips and parking lot landscaping.

10.16.5.6. Details of required landscaping showing species, dimensions, and spacing of planted materials, including turfgrass sod or seeded areas, and the use and protection of existing vegetation.

10.16.5.7. All existing and proposed utilities and if applicable, their associated easements.

10.16.5.8. Location and square footage of structures and parking lots.

10.16.5.9. Adjacent zoning districts.

10.16.5.10. Approximate locations of all trees greater than eight (8) inches DBH within required buffers and of all areas of natural vegetation to be used as part of the buffer.

10.16.5.11. Setbacks of all structures and specifications and shielding of certain uses, as required.

10.16.5.12. Location of planting bed edges with edging and mulch materials identified.

10.16.5.13 Identification or notes indicating provisions for irrigation or other water supplies.

10.16.5.14 Landscape plan notes and special planting instructions.

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Sec. 10.34. Outdoor Lighting.

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10.34.3. General Standards for Outdoor Lighting.

10.34.3.1. Unless otherwise specified in Sections 10.34.4 through 10.34.9 below, the maximum light level shall be 0.5 maintained footcandle at any property line in a residential district, or on a lot occupied by a dwelling, congregate care, or congregate living structure, and 2.0 maintained footcandle at any public street right-of-way, ~~unless otherwise approved by the Planning Board and Town Council.~~

10.34.3.2. All flood lights shall be installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned such that any such fixture located within fifty (50) feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way.

10.34.3.3. All flood lamps emitting one thousand (1,000) or more lumens shall be aimed at least sixty (60) degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public right-of-way.

10.34.3.4. All wall pack fixtures shall be cutoff fixtures.

10.34.3.5. Service connections for all freestanding fixtures installed after application of this ordinance shall be installed underground.

~~**10.34.3.6.** Within the B-3 District, all outdoor lighting fixtures shall be at minimum semi-cutoff fixtures.~~

10.34.3.7. All light fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets are otherwise exempt from this regulation. For regulations regarding street lighting, see Section 10.35.

10.34.4. Lighting in Parking Lots and Outdoor Areas.

10.34.4.1. Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than two thousand (2,000) lumens shall be cutoff fixtures or comply with subsection 10.34.4.3.

10.34.4.2. The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed forty-one (41) feet above finished grade, ~~unless approved by the Planning Board and Town Council as having no adverse effect.~~

10.34.4.3. Lighting in parking lots shall be shoebox style, downward facing with flush lense and fixtures shall be LED with a correlated color temperature that does not exceed 3000K,

10.34.4.4. Outdoor display areas shall have a maximum point of illuminance of 24 maintained footcandles (FC).

10.34.4.3. Exceptions:

10.34.4.3.1. Non-cutoff fixtures may be used when the maximum initial lumens generated by each fixture shall not exceed nine thousand five hundred (9,500) initial lamp lumens per fixture.

10.34.4.3.2. All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium, and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

10.34.4.3.3. All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.

10.34.4.3.4. All non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that reduce glare and limit uplight.

10.34.5. Lighting for Vehicular Canopies.

Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of Section 10.34.4 above. Lighting under vehicular canopies shall be designed with a recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy so as not to create glare off-site. ~~Acceptable methods include one or more of the following:~~

~~**10.34.5.1.** Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.~~

~~**10.34.5.2.** Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself, so that light is restrained to five (5) degrees or more below the horizontal plane.~~

~~**10.34.5.3.** Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.~~

~~**10.34.5.4.** Surface mounted fixture, typically measuring two (2) feet by two feet, with a lens cover that contains at least two (2) percent white fill diffusion material.~~

~~**10.34.5.5.** Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.~~

~~**10.34.5.6.** Other methods approved by the Planning Board.~~

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10.34.7. Lighting of Outdoor Display Areas.

10.34.7.1. Parking lot outdoor areas shall be illuminated in accordance with the requirements for Section 10.34.4 above. Outdoor display areas shall have a maximum point of illuminance of twenty-four (24) maintained footcandles (FC).

10.34.7.2. All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of-way. ~~Alternatively, directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with Sections 10.34.3.1 and 10.34.3.2 of this ordinance.~~

10.34.7.3. The mounting height of outdoor display area fixtures shall not exceed forty-one (41) feet above finished grade, ~~unless approved by the Planning Board and Town Council as having no adverse effect.~~

...

10.34.10. Permits.

~~A permit is required for any work involving outdoor lighting. The applicant for any permit required for work involving outdoor lighting shall submit documentation at time of site plan or plot plan approval that the proposed lighting plan complies with the provisions of this Ordinance. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this Ordinance:~~

10.34.10.1. A point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles required by this ordinance.

10.34.10.2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including, but not limited to, manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).

The UDO Administrator or his/her designee(s) may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this ordinance.

...

PART V. TRAFFIC IMPACT STUDY

...

10.41.1. Special Use Permits.

10.41.1.1. Time of Submission. The traffic impact study shall be submitted to the UDO Administrator with, and as a part of, the application for the special use permit.

10.41.1.2. Implementation. The UDO Administrator and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed use.

The Town Council ~~or Board of Adjustment, as appropriate,~~ shall consider the impact study and the analysis of the impact study before the application is approved or denied. The Town Council ~~or Board of Adjustment, as appropriate,~~ may decide that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for special use permit approval and may make these improvements conditions of approval, may require modifications in the use, or may deny the permit.

10.41.2. Site Plan Approval.

10.41.2.1. Time of Submission. The traffic impact study will be submitted to the UDO Administrator with, and as a part of, the site plan.

10.41.2.2. Implementation. The UDO Administrator and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to development proposed on the site plan. The UDO Administrator may recommend that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for site plan approval and may require these improvements to be on the approved site plan.

...

Sec. 10.54. Riparian Buffers.

Fifty-foot wide riparian buffers shall be maintained along both sides of a stream, river or other water body as required by the Neuse River Basin: Nutrient Sensitive Waters Management Strategy—Protection and Maintenance of Riparian Buffers, Section 3(a-b). Riparian buffer shall be noted on the maps submitted for stormwater management plan approval and shall be noted on the final, recorded map.

If new development is proposed within the WS-IV-CA or WS-IV-PA Districts, the buffer shall be in accordance with Section 10.29.9.

Determination of exemptions as noted in 15A NCAC 2B.0233 Neuse River Basin: Nutrient Sensitive Waters Management Strategy—Protection and Maintenance of Riparian Buffers, Section 3 (a-b) shall be made by the NCDEQ Division of Water Resources.

...

PART IX. OVERLAY DISTRICTS

...

Sec. 10.93. Entry Corridor Overlay Districts.

These districts are established to provide development standards for particular roadway corridor areas as shown on the official zoning map which are in addition to those provided by the other zoning districts established by the Unified Development Ordinance. The purpose for establishing these entry corridor overlay districts is first, to recognize the importance that different roadway corridors play in defining the town's character as town entryways and, second, to protect and preserve both the aesthetics of these important roadways and their traffic-handling capabilities, thereby contributing to the general welfare of the Town of Smithfield.

It is the intent of this ordinance that development existing as of the date of its enactment shall not be required to comply with the regulations contained herein unless such development is expanded by twenty (20) percent or more of the gross enclosed floor area of the principal structure.

10.93.1. Permitted Uses.

Same as for underlying zoning district(s).

10.93.2. Special Uses.

Same as for underlying zoning district(s).

10.93.3. Prohibited Uses.

Same as for underlying zoning district(s) and as follows:

10.93.1.3.1. In gateway overlay areas in guided as Downtown Core, Downtown Support, or Mixed Use in the Comprehensive Growth Management Plan the following uses shall be prohibited:

- residential uses with less than 5 units.
- heavily auto dependent uses (auto repair, service, dealers, parts, rental, and sales, gas pumping stations, tire dealers and service, car washes, uses with drive-in facilities, and parking lots as principal use, unless approved as part of a mixed use PUD with a site-specific development plan.
- Uses with large outdoor display or large parking areas (flea/vendor markets, farmer’s markets, funeral homes, lawn and garden stores, hotels/motels, shopping centers.
- Uses with outdoor storage yards.
- Uses that are inconsistent with the Comprehensive Growth Management Plan for areas guided as Downtown Core, Downtown Support, or Mixed Use Downtown Core as determined by the UDO Administrator.

10.93.1.3.2. In all other gateway overlay areas, single family residential uses shall be prohibited where driveways directly access the gateway corridor.

10.93.2. Performance Standards for Overlay.

Dimensional requirements and all other development standards shall be the same as for underlying zoning district(s) except as modified herein.

	<u>Mixed Use Nodes, including Downtown and along Market St.. & /Brightleaf Blvd.</u>	<u>All other locations</u>
<u>Streets</u>	<u>Curb and gutter</u>	<u>Curb and gutter</u>
<u>Sidewalks</u>	<u>5’ wide concrete sidewalks on commercial frontage, except where trails are planned, the trail shall be 8’ wide concrete or bituminous. Sidewalks shall be a minimum 12’ wide with zero lot line development.</u>	<u>5’ wide concrete sidewalks on commercial frontage, except where trails are planned, the trail shall be 8’ wide concrete or bituminous.</u>
<u>Building Setbacks</u>	<u>Buildings shall have a 0-20’ building setback from the corridor, and no less than the average of adjacent buildings in the mixed use area.</u>	<u>Same as underlying zoning district.</u>
<u>Parking Orientation</u>	<u>Off-street parking shall be to the rear and sides of all buildings.</u>	<u>Off-street parking allowed between building and right-of-way.</u>
<u>Landscaping</u>	<u>Street trees are required – planted in planting boxes with grates if applicable. Solid</u>	<u>Street trees required between sidewalks and curbs at regular intervals.</u>

	<u>hedges and decorative fences required to screen parking lots from corridor.</u>	
<u>Lighting</u>	<u>Decorative Pedestrian scale lighting required. Ligting shall comply with Article 10, Part IV</u>	<u>Lighting shall comply with Article 10, Part IV</u>
<u>Fencing</u>	<u>Max. 4' high decorative fencing allowed between the building and right-of-way with pedestrian pass-throughs provided at regular intervals.</u>	<u>Max. 4' high decorative fencing allowed between the building and right-of-way with pedestrian pass-throughs provided at regular intervals.</u>
<u>Outdoor Storage</u>	<u>Outdoor storage is prohibited</u>	<u>Outdoor storage shall be screened from view with six (6) foot high opaque vegetation and decorative fencing, so that it is not visible from a roadway or adjacent properties. Provided, however, this section shall not apply to the outdoor display of goods for sale.</u>
<u>Accessory Buildings</u>	<u>None allowed between the principal building and the primary public right-of-way</u>	<u>None allowed between the principal building and the primary public right-of-way</u>
<u>Driveways</u>	<u>Rear or side-access required unless not feasible. Share driveways encouraged. Lateral access between properties required in accordance with Section 10.2.10</u>	<u>Rear or side-access encouraged. Share driveways encouraged. Lateral access between properties required in accordance with Section 10.2.10</u>
<u>Signage</u>	<u>Pole and Highrise signs are prohibited. Freestanding signs. Each development parcel may include no more than one freestanding sign, which shall not exceed 35 square feet in size and 6 feet in height.</u>	<u>Pole and Highrise signs are prohibited. Freestanding Signs. Each development parcel may include no more than one freestanding sign, which shall not exceed 70 square feet in size and 10 feet in height, measured from street grade, for</u>

		<p>each thoroughfare on which the site has driveway access. For purposes of this paragraph, a development parcel does not include out parcels associated with approved major site plans.</p>
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10.93.2.1. Thoroughfare Protection. No improvements other than driveways, sidewalks, parking, and landscaping shall be permitted within the limits of projected rights-of-way as specified in the ~~Official Thoroughfare Plan.~~ Town's Transportation Plan.

10.93.4. Development Standards.

~~Dimensional requirements and all other development standards shall be the same as for underlying zoning district(s) except as modified herein.~~

~~**10.93.4.1. Thoroughfare Protection.** No improvements other than driveways, sidewalks, parking, and landscaping shall be permitted within the limits of projected rights of way as specified in the official thoroughfare plan.~~

~~**10.93.4.2. Setbacks.** Setbacks shall be the same as for the underlying zoning district; provided, however, one (1) or more principal structures may be authorized within the setback under the following circumstances:~~

~~**10.93.4.2.1.** Such principal structure(s) is not situated within ten (10) feet of the projected right-of-way line of an entry corridor roadway;~~

~~**10.93.4.2.2.** Parking for the site is placed to the side or rear of such structure(s) so that it is screened from view from the entry corridor by means of such structure(s) and vegetative buffering as provided in Article 10, Part II.~~

~~**10.93.4.2.3.** The landscaping requirement for parking lots located to the side or rear of the principal structure may be reduced by twenty (20) percent.~~

~~**10.93.4.2.4.** The required parking spaces for parking lots located to the side or rear of the principal structure may be reduced by twenty (20) percent.~~

~~**10.93.4.3. Driveways.** Driveways serving a development parcel shall be permitted in accordance with the standards of the North Carolina Department of Transportation (NCDOT); provided, however, a development parcel shall be limited to no more than one (1) driveway on any road and no more than three (3) driveways total, unless a major site plan has been approved with additional driveways. Additional driveways may be permitted when they are necessary to improve traffic movement, increase sight distances, or for other safety reasons. Developers are encouraged to share parking areas and driveways with adjoining developments.~~

~~**10.93.4.4. Outdoor Storage.** Outdoor storage shall be screened from view with six-foot high opaque vegetation or fencing, so that it is not visible from a roadway or adjacent properties. Provided, however, this section shall not apply to the outdoor display of goods for sale.~~

~~**10.93.4.5. Signs.** Signs shall be governed by the regulations contained in Article 10, Part III except as modified below:~~

~~**10.93.4.5.1. Pole Signs.** Pole signs are prohibited.~~

~~10.93.4.5.2.~~ Freestanding Signs. Each development parcel may include no more than one (1) freestanding sign, which shall not exceed seventy (70) square feet in size and ten (10) feet in height, measured from street grade, for each thoroughfare on which the site has driveway access. For purposes of this paragraph, a development parcel does not include out parcels associated with approved major site plans.

~~10.93.4.6.~~ Exceptions:

~~10.93.4.6.1.~~ Single family and two family residential dwellings shall be required to comply with the provisions of subsections 10.93.4.1 to 10.93.4.3, above, but they shall not be required to comply with the remaining regulations of the Entry Corridor Overlay Zoning Classification.

~~10.93.4.6.2.~~ Small lots, defined as lots with less than one hundred (100) feet of frontage on an entry corridor roadway or with less than one hundred (100) feet of depth, may have site constraints which make strict compliance with the regulations contained in this section a hardship. In such cases, the Board of Adjustment for the town may approve deviations from such regulations so long as the plans of development are consistent with an approved minor site plan.

~~10.93.4.7.~~ Nonconformities. Uses, structures, and lots rendered nonconforming by this ordinance shall be governed by the provisions of Article 9 of the Unified Development Ordinance; provided, however, structures, other than signs, existing as of the effective date of this ordinance which are destroyed by fire or other act of God shall be entitled to be rebuilt in their preexisting location regardless of the degree of damage.

Sec. 10.94. Rowhouse Overlay Districts.

This district is established to provide development standards for high density single family residential areas which are in addition to those provided by the underlying zoning districts established by the Unified Development Ordinance. The purpose of establishing this rowhouse overlay district is to allow high density single family residential development in locations where it will be compatible with adjacent land uses.

10.94.1. Allowable Zoning Districts.

B-1, R-6, R-8, and O/I.

10.94.2. Permitted Uses.

None

10.94.3. Special Uses.

Dwelling, single family; accessory uses; and home occupations.

10.94.4. Prohibited Uses.

All uses not specifically permitted by issuance of a special use permit.

10.94.5. Parking.

All required parking shall be located in the rear yard.

10.94.6. Minimum Zoning District Area.

Twenty thousand (20,000) square feet of contiguous area within the RHO Overlay District. (Note: It is intended that the RHO District will include multiple parcels.)

10.94.7. Yard, Area, and Height Requirements.

Refer to Article 8. Minimum yard requirements may be modified through the issuance of a special use permit

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PART X. SUBDIVISION REGULATIONS

Sec. 10.96. Applicability.

10.96.1. Subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall be exempt from the regulations of this Ordinance:

10.96.1.1 The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.

10.96.1.2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

10.96.1.3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

10.96.1.4 The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.

10.96.1.5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

10.96.2. Plat recordation is required for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

10.96.2.1. The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.

10.96.2.2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.

10.96.2.3. The entire area of the tract or parcel to be divided is greater than 5 acres.

10.96.2.4. After division, no more than three lots result from the division.

10.96.2.5. After division, all resultant lots comply with all of the following:

- a. All lot dimension size requirements of the applicable land-use regulations, if any.
- b. The use of the lots is in conformity with the applicable zoning requirements, if any.
- c. A permanent means of ingress and egress is recorded for each lot.

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Sec. 10.101. Information To Be Provided On Preliminary And Final Plats.

The preliminary and final plats shall depict or contain the information indicated in the following table. An "X" indicates that the information is required.

Information	Preliminary Plat	Final Plat
Vicinity map (6" W x 4" H) showing location of subdivision in relation to neighboring tracts, subdivision, roads, and waterways (to include streets and lots of adjacent developed or platted properties). Also include corporate limits, town boundaries, county lines if on or near subdivision tract.	X	
Boundaries of tract and portion to be subdivided, including total acreage to be subdivided, distinctly and accurately represented with all bearings and distances shown.	X	X
Proposed street layout and right-of-way width, lot layout and size of each lot. Number lots consecutively throughout the subdivision.	X	X
Name of proposed subdivision.	X	X
Statement from the Johnston County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision, AND/OR statement from the County Public Utilities that application has been made for public water and/or sewer permits.	X	
Graphic scale.	X	X
North arrow and orientation.	X	X
Concurrent with submission of the Preliminary Plat to the town, the subdivider or planner shall submit copies of the Preliminary Plat and any accompanying material to any other applicable agencies concerned with new development, including, but not limited to: District Highway Engineer, County Board of Education, U.S. Army Corps of Engineers, State Department of Natural Resources and Community Development, for review and recommendation.	X	
List the proposed construction sequence.	X	
Stormwater plan see Article 10, Part VI.	X	
Show existing contour lines with no larger than five-foot contour intervals.	X	

New contour lines resulting from earth movement (shown as solid lines) with no larger than five-foot contour intervals (existing lines should be shown as dotted lines).	X	
Survey plat, date(s) survey was conducted and plat prepared, the name, address, phone number, registration number and seal of the Registered Land Surveyor.	X	X
Names, addresses, and telephone numbers of all owners, mortgagees, land planners, architects, landscape architects and professional engineers responsible for the subdivision (include registration numbers and seals, where applicable).	X	X
Date of the drawing(s) and latest revision date(s).	X	X
The owner's name(s) of adjoining properties and Zoning District of each parcel within 100' of the proposed site.	X	
State on plans any variance request(s).	X	
Show existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining. Show wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site.	X	
The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or FIRM maps (FEMA). State the base flood elevation data for subdivision.	X	X
Show the minimum building setback lines for each lot.	X	X
Provide grading and landscape plans. Proposed plantings or construction of other devices to comply with the screening requirements of Article 10, Part II.	X	
Show location of all proposed entrance or subdivision signage (see Section 10.23.1).	X	
Show pump station detail including any tower, if applicable.	X	
Show area which will not be disturbed of natural vegetation (percentage of total site).	X	
Label all buffer areas, if any, and provide percentage of total site.	X	X
Show all riparian buffer areas.	X	X
Show all watershed protection and management areas per Article 10, Part VI.	X	X
Soil erosion plan.	X	
Show temporary construction access pad.	X	
Outdoor illumination with lighting fixtures and name of electricity provider.	X	
The following data concerning proposed streets:		
Streets, labeled by classification (see Town of Smithfield construction standards) and street name showing linear feet, whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths, approximate grades and typical street cross-sections. Private roads in subdivisions shall also be shown and clearly labeled as such.	X	X

Traffic signage location and detail.	X	
Design engineering data for all corners and curves.	X	X
For office review; a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage.	X	
Type of street dedication; all streets must be designated public. (Where public streets are involved which will be dedicated to the town, the subdivider must submit all street plans to the UDO Administrator for approval prior to preliminary plat approval).	X	X
When streets have been accepted into either the municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with the Town of Smithfield construction standards.	X	X
If any street is proposed to intersect with a state maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations.	X	
(1) Evidence that the subdivider has applied for such approval.	X	
(2) Evidence that the subdivider has obtained such approval.	X	
The location and dimensions of all:		
Utility and other easements.	X	X
Pedestrian and bicycle paths.	X	X
Areas to be dedicated to or reserved for public use.	X	X
The future ownership (dedication or reservation for public use to governmental body or for owners to duly constituted Homeowners' association) of recreation and open space lands.	X	X
Required riparian and stream buffer per Article 10, Part VI.	X	X
The site/civil plans for utility layouts including:		
Sanitary sewers, invert elevations at manhole (include profiles).	X	
Storm sewers, invert elevations at manhole (include profiles).	X	
Best management practices (BMPs)	X	
Stormwater control structures	X	
Other drainage facilities, if any.	X	
Impervious surface ratios	X	
Water distribution lines, including line sizes, the location of fire hydrants, blow offs, manholes, force mains, and gate valves.	X	
Gas lines.	X	
Telephone lines.	X	
Electric lines.	X	

Plans for individual water supply and sewage disposal systems, if any.	X	
Provide site calculations including:		
Acreage in buffering/recreation/open space requirements.	X	X
Linear feet in streets and acreage.	X	X
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places.	X	X
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles and tangent distance for the center line of curved property lines that is not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.	X	X
The accurate locations and descriptions of all monuments, markers, and control points.	X	X
Proposed deed restrictions or covenants to be imposed upon newly created lots. Such restrictions are mandatory when private recreation areas are established. Must include statement of compliance with state, local, and federal regulations.	X	X
A copy of the erosion control plan submitted to the Regional Office of NCDEQ-DNRCD, when land disturbing activity amounts to one acre or more.	X	
All certifications required in Section 10.119.	X	X
Any other information considered by either the subdivider, UDO Administrator, Planning Board, or Town Council to be pertinent to the review of the plat.	X	X
Improvements guarantees (see Section 5.7.8.10 5.8.2.6).		X

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Sec. 10.107. Erosion and Sedimentation Control.

The preliminary plat shall be accompanied by a written statement from NCDEQ NCDENR, or the UDO Administrator, as the case may be, that any required soil erosion and sedimentation control plan has been approved.

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Sec. 10.XXX Cluster Mailbox Units (CBU).

A shelter for any United States Postal Service (USPS)-required CBUs in districts permitting residential units is required and shall meet the following additional requirements:

1.110.1. Location.

1.100.1.1. Mail kiosks should be located on a lot deeded to a homeowners' association and be no more than 50 feet from an off-street motorized vehicle parking lot as measured from curb to CBU

1.100.1.2. On-Street. Mail kiosks may be located along (outside) a public right-of-way with parallel on-street parking, where other location options are not feasible, where provided in compliance with the provisions of this Subsection. The required 12-foot travel lanes in either direction shall be maintained at all times.

1.100.2. Structural Cover. A structural cover, meeting the North Carolina State Building Code, may be provided over mail kiosks. Such cover shall have a minimum overhang of two (2) feet where mail is delivered and unloaded. For purposes of the this ordinance, structural covers provided for mail kiosks shall not be considered accessory structures and therefore do not require compliance with accessory structure standards.

1.100.3. Pedestrian Access. Mail kiosks shall be provided with ADA compliant sidewalks. When located in a subdivision or development where sidewalks are required, a sidewalk connection shall be provided from the mail kiosks to the sidewalk network within the public right-of-way. When located in a subdivision or development where sidewalks are not provided, such sidewalk access to the mail kiosks shall connect to the required parking.

1.110.4. Parking. In addition to satisfying off-street Motorized Vehicle Parking space requirements the following minimum and maximum off-street short-term (marked and signed for 10-minute maximum) motorized vehicle parking space requirements must also be met:

<u>Number of Mailboxes</u>	<u>Required Parking Spaces</u>
<u>0-20</u>	<u>3</u>
<u>21-60</u>	<u>2</u>
<u>61-80</u>	<u>3</u>
<u>81-100</u>	<u>4</u>
<u>101+</u>	<u>4 plus 1 per each additional 50 mailboxes or portion thereof above 100</u>

Sec. 10.110. Streets.

10.110.1. Design Standards.

The design of all streets and roads within the jurisdiction of this ordinance shall be designed, dedicated and constructed in accordance with town policies, standards of this ordinance, the adopted Transportation Plan, and the ~~as it pertains to~~ Town of Smithfield Standard Detail and Specifications Manual, or accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The North Carolina Department of Transportation, Division of Highways' Subdivision Roads, Minimum Construction Standards, January 1, 2000, or the current North Carolina Department of Transportation standards, shall apply for any items not included in this ordinance, or where stricter than this ordinance. The property owner/developer shall utilize good land planning practices and

Town standards for the type of subdivision or development proposed. The street network shall provide for the continuation or appropriate extensions of principal streets to adjacent and surrounding areas and provide reasonable means of ingress and egress for the thoroughfare network within or adjacent to the proposed development. The arrangement of streets shall provide for pedestrian connectivity with existing and proposed streets, sidewalks, greenways, multi-use trails, parks, schools and other civic and service uses, and in addition:

10.110.1.1. Conformity to Existing Maps and Plans.

10.110.1.1.1. The location and width of all proposed streets shall be in conformity with the officially adopted ~~Thoroughfare~~ Transportation Plan for the Town of Smithfield and shall be in conformity with all current plans of the Town of Smithfield.

10.110.1.1.2. The proposed street system within a subdivision shall, whenever possible, be tied in with the existing street system. The proposed street system shall also provide for the continuation of the existing town and state systems, whenever possible.

10.110.1.3. Connect to Destinations. A proposed subdivision or development shall provide multiple direct connections with the existing local street network to and between local destinations where feasible, such as parks, schools, and shopping without requiring the use of major or minor thoroughfares and streets.

10.110.1.2. All streets shall be labeled on the preliminary plat as: Arterial, Collector, Local Streets, Major Streets and Highways; Collector Streets; Minor Streets; or Cul-de-sacs.

10.110.1.3. Blocks.

10.110.1.3.1. Blocks shall be a maximum of one thousand (1,000) feet and a minimum of four hundred (400) feet in length.

10.110.1.3.2. Blocks shall have sufficient width to provide two (2) tiers of lots, except where another design may be necessary to separate residential development from through traffic or other non-residential uses.

10.110.1.4. Lots.

All newly created lots shall comply with the following minimum requirements: ~~The size, shape, and orientation of non-residential lots shall be such as the Planning Board and Town Council deem appropriate for the type of development or use proposed; however, residential, as well as non-residential lots, shall comply with the following minimum requirements:~~

10.110.1.4.1 Insofar as practical, side lot lines which are not right-of-way lines shall be at right angles to straight street lines or radial to curved street lines.

10.110.1.4.2. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this Ordinance.

10.110.1.4.3 The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

10.110.1.4.4. Lot Area. All lots shall have a minimum gross area of at least 8,000 square feet in accordance with the standards found in Article 8. Additional lot area shall be required when:

10.110.1.4.1.1. A lot is served by either public sewer, but not water ~~water or sewer, but not both~~ shall have a minimum lot area of 20,000 square feet.

10.110.1.4.1.2. A lot is not served by either public water or sewer shall have a minimum lot area of ~~25,000~~ 43,560 square feet.

10.110.1.4.2. Lot Width and Depth. All lots shall have a minimum width and street frontage as required in Article 8, except in the case of the turning circle of cul-de-sacs where a minimum width at the street right-of-way line of 25 feet is permissible. ~~Corner lots shall have an extra width of 10 feet to permit adequate setback from side streets.~~ The minimum lot depth of single tier lots (when approved) shall be 125 feet. All other lots shall ~~be~~ have a minimum depth of 110 feet in depth. Additional lot width and depth shall be required when:

10.110.1.4.2.1. A lot is served by either public water or sewer, but not both: shall have a minimum: Lot width - 100 feet; Lot depth - 200 feet.

10.110.1.4.2.2. A lot is not served by either public water or sewer shall have a minimum: Lot width - 125 feet; Lot depth - 200 feet.

10.110.1.4.3. Lot size, shape, and location shall be made with due consideration to topographic conditions, contemplated use, and the surrounding area.

10.110.1.4.4. Every lot shall maintain required street frontage as required in Article 8 on one of the following (*Amended 4/3/2018*):

10.110.1.4.4.1. A public street dedicated to and maintained by the Town of Smithfield or the North Carolina Department of Transportation.

10.110.1.4.4.2. A privately owned street constructed in conformance with the Town's Standard Detail and Specifications Manual and maintained by an Homeowner's Association. ~~To the standards of the Town or Smithfield or the North Carolina Department of Transportation, with a written agreement concerning the future maintenance of the street.~~

10.110.1.4.5. Double frontage and reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or non-residential development. The minimum lot depth of any approved double fronted lot shall be 125 feet.

10.110.1.4.6. Side lot lines shall be substantially at right angles or radial to street lines.

10.110.1.4.7. Flag-shaped lots shall only be permitted in cases where the minimum lot width and lot depth of this ordinance are complied with and the lot has a minimum street frontage of at least sixty (60) feet in width. (Amended 4/3/2018)

10.110.1.5. Easements.

10.110.1.5.1. To provide service to public utility facilities easements of not less than thirty (30) feet in width may be provided for on a subdivision plat.

10.110.1.5.2. To provide access to required engineered stormwater control facilities including ~~BMP~~ SCMs. Easements for stormwater management facilities shall conform to the requirements of the NCDEQ Stormwater Design Manual.

10.110.1.5.3. To provide public access for trails, easements of not less than 30 feet shall be provided for on a subdivision plat.

10.110.1.5.4. The location and extent of such an easement shall be finalized before the approval of the preliminary plat.

10.110.2. Private Streets.

10.110.2.1. Streets designated as private may be allowed in subdivisions when in the opinion of the Town Council they provide adequate ingress and egress onto collector streets, and sufficient assurance is provided through a legally established Homeowners' association, that the street shall be properly maintained.

10.110.2.2. All such streets shall be designated a "private street" on the preliminary plans and final plats. Whenever a private street intersects a U.S. or North Carolina highway or North Carolina secondary road, a statement of approval for the intersection, signed by the District Engineer, North Carolina Department of Transportation, Division of Highways for Johnston County, shall be submitted concurrent with the final plat.

10.110.2.3. All private streets shall conform to the Town's Standard Detail and Specifications Manual ~~Must meet Department of Transportation~~ standards for construction and maintenance.

10.110.2.4. A Homeowners' association shall be established for each subdivision containing private streets and drainage systems. The final plat for each such subdivision shall contain a certificate indicating the book and page number of the Homeowners' association covenants, conditions, and restrictions. The covenants, conditions, and restrictions shall specify lot owners' responsibilities for maintenance of private streets and drainage systems and shall provide for assessments to finance all maintenance activities. Covenants shall provide that the Homeowners' association will construct all stub streets prior to offering any connecting for acceptance by NCDOT or the town. Final plats for subdivisions containing private streets and drainage improvements will not be approved until the subdivider's homeowners' association documents have been submitted and approved by ~~the Town Council~~ the Town Attorney.

10.110.3. Marginal Access Streets.

Where a tract of land to be subdivided adjoins a ~~principal~~ arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a ~~minor~~ local street for the lots to be developed adjacent to the arterial street. Where reverse frontage is established, private driveways shall be prevented from having direct access to the ~~expressway~~ arterial street. In the case of minor subdivisions fronting on an arterial ~~a major highway~~, the ~~Planning Board~~ Town Council may regulate access onto an existing or proposed highway by requiring:

10.110.3.1. That access be limited to a ~~minor~~ local or collector street, when available.

10.110.3.2. That another access design, such as joint driveways, be used to achieve the intent of this regulation.

...

10.110.5. Half-Streets.

The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means. The dedication of half streets of less than 50 feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than 6050 feet of right of way is required, a partial width right of way, not less than 6050 feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

10.110.8. Nonresidential Streets.

The subdivider of a nonresidential subdivision shall provide streets in accordance with the Town's Standard Detail and Specifications Manual, I.F.-4 of the North Carolina Roads, Minimum Construction Standards, January 1, 2000; or current applicable North Carolina Department of Transportation Standards; and the standards of this Ordinance, whichever are stricter in regard to each particular item.

10.110.9. Right-of-Way Widths.

Right-of-way widths shall Be in accordance with the Smithfield Standard Specifications and Details Manual and the Smithfield Transportation Plan. ~~I not be less than the following:~~

~~Principal Arterial (Freeways) — 350 feet.~~

~~Principal Arterial (Other) — 200 feet.~~

~~4-5 Lane Arterial with median —~~

~~4 Lane Arterial — 76 feet.~~

~~2 Lane Collector — 60~~

~~Major Thoroughfare other than Freeway and Expressway — 90 feet.~~

~~Minor Thoroughfare — 60 feet.~~

~~Local Street — 60 feet (may be no less than 50 feet if approved by Town Council due to special conditions).~~

Cul-de-sac turnaround—100 feet diameter for turnaround and 45 feet for street right-of-way.

10.110.10. Pavement Widths.

Pavement widths or graded widths shall be as follows:

	<u>Streets with Curb and Gutter front of curb to front of curb</u>	<u>Streets without Curb and Gutter</u>
Minor Thoroughfare Collector	28 ft.	40 ft.
Local Road	24 ft.	20 ft.
Marginal Access (frontage)	24 ft.	20 ft.
Cul-de-sac	24 ft.	20 ft.
Cul-de-sac turnaround	100 ft. in dia.	80 ft. in dia.

Pavement widths for principal arterials and major thoroughfares all roads shall be in accordance with the Town's Standard Specifications and Details Manual and determined in concert with the Town of Smithfield or the North Carolina Department of Transportation standards and the current and the Smithfield Transportation Thoroughfare Plan.

10.110.11. Roads and Street Surfaces.

All public subdivision streets and roads shall be constructed and paved to meet the current requirements of the Town's Standard Detail and Specifications Manual.

10.110.12. Tangents.

A tangent of at least one hundred (100) feet shall be provided between reverse curves on all streets.

10.110.13. Street Intersections.

Street intersections shall be laid out as follows:

10.110.13.1. All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.

10.110.13.2. Intersections with a major street shall be at least one thousand (1,000) feet apart, measured from centerline to centerline.

10.110.13.3. Where a centerline offset (jog) occurs at an intersection, the distance between centerline of the intersecting streets shall be not less than two hundred (200) feet.

10.110.13.4. Property lines at intersections should be set so that the distance from the edge of pavement of the street turnout to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. The property line can be established as a radius or as a sight

triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.

~~10.110.13.5.~~ Turn lanes or deceleration lanes may be required to be constructed within one hundred fifty (150) feet of any intersection, or other point of ingress or egress, where a substantial number of conflicting turning movements is anticipated, if the Council determines that the safety of motorists and pedestrians merit such construction.

10.110.14. Alleys.

~~10.110.14.1.~~ Alleys shall may be required to serve lots used for commercial and industrial purposes ~~except~~ that this requirement may be waived where other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless if necessitated by necessary due to unusual circumstances, they are to privately owned and maintained by an homeowners association and are approved by the ~~Planning Board~~ and Town Council.

~~10.110.14.2.~~ All alleys shall be designed in accordance with the Town of Smithfield Standard Detail and Specifications Manual, Department of Transportation, Division of Highways' specifications and standards and shall meet the following requirements:

Right of way width	20 feet
Property line radius at alley intersection	15 feet
Minimum centerline radius when deflection angle of not more than 10 degrees occurs	35 feet
Minimum turnaround diameter of dead end alley (right of way width)	80 feet

~~10.110.14.3.~~ Sharp changes in alignment and grade shall be avoided.

~~10.110.14.4.~~ All alleys shall be designed in accordance with North Carolina Department of Transportation Standards.

10.110.15. Geometric Characteristics.

The standards outlined below shall apply to all subdivision streets proposed for addition to the state highway system or municipal street system. In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under right of way shall apply.

~~10.110.15.1.~~ Design Speed. The design speeds for subdivision type streets shall be:

<u>Urban</u>	<u>Desirable (mph)</u>	<u>Minimum (mph)</u>
Minor Thoroughfares	60	50
Local Streets	40	40

~~10.110.15.2.~~ ~~Desirable and Minimum Grades.~~ The desirable/minimum for subdivision type streets grades in percent shall be:

	<u>60 Desirable</u> <u>(50 Minimum)</u>	<u>40 Desirable</u> <u>(40 Minimum)</u>
Type of Topography		
Flat NCDOT Divisions	3	5

1, 2, 3, 4, and 5

(4)

(5)

The minimum grade in no case shall be less than one-half (0.5) percent. Grades for one hundred (100) feet each way from intersections should not exceed five (5) percent.

10.110.16. Minimum Sight Distances.

In the interest of public safety, the minimum sight distance applicable shall be provided in every instance. Vertical curves that connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of fifty (50) feet. Calculated lengths should be rounded up in each case.)

<u>Design Speed, MPH</u>	<u>20</u>	<u>30</u>	<u>40</u>	<u>50</u>	<u>60</u>
Stopping Sight Distance					
—Min. Stopping Distance, Ft.	150	200	275	350	475
—Des. Stopping Distance, Ft.	150	200	300	450	650
Minimum K* Value For:					
—Min. Crest Vert. Curve	16	28	55	85	160
—Des. Crest Vert. Curve	16	28	65	145	300
—Min. SAG Vert. Curve	24	35	55	75	105
—Des. SAG Vert. Curve	24	35	60	100	155
Passing Sight Distance					
—Min. Passing Distance, Ft. (2 lane)		1,100	1,500	1,800	2,100
—Min. K* Value for Crest Vert. Curve		365	686	985	1,340

K* is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance.

Sight distance provided for stopped vehicles at intersections should be in accordance with the Unified Development Ordinance for the Town of Smithfield.

10.110.17. Design Speeds.

The following table shows the maximum degree of curve and related maximum superelevation for design speeds. The maximum rate of roadway superelevation (e) for roads with no curb and gutter is .08. The maximum rate of superelevation for streets with curb and gutter is .06, and .04 being desirable.

<u>Design Speed MPH</u>	<u>Maximum e*</u>	<u>Minimum Radius (Rounded) Feet</u>	<u>Maximum Degree of Curve (Rounded) Degrees</u>
20	.04	125	45.00
30	.04	302	19.00
40	.04	573	10.00
50	.04	955	6.00
60	.04	1528	3.45
20	.06	115	50.00
30	.06	273	21.00
40	.06	509	11.15

50	.06	844	6.45
60	.06	1380	4.15
20	.08	110	53.50
30	.08	252	22.45
40	.08	468	12.15
50	.08	764	7.30
60	.08	1206	4.45

*Maximum rate of roadway superelevation, foot per foot.

...

10.110.19. PUD Streets.

10.110.19.1. A dense network of narrow streets with reduced curb radii may be fundamental to sound design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged in PUDs when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multi-purpose or "shared" street are more important than its vehicular efficiency alone.

10.110.19.2. PUDs should have a high proportion of interconnected streets, sidewalks, and paths. Sidewalks should be provided on both sides of each street. Streets and rights-of-ways are shared between vehicles (moving and parked), bicycles, and pedestrians. A dense network of PUD streets will function in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most PUD streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets should be designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses.

10.110.20. Street Construction Standards.

All streets must be constructed ~~to the Town of Smithfield Construction Standards.~~ in conformance with the Town of Smithfield Standard Detail and Specifications Manual.

...

Sec. 10.111. Street Connectivity Requirements.

10.111.1. [Interconnected Street System.]

An interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes. All proposed new streets shall be platted according to the current town ~~thoroughfare~~ transportation plan. In areas where such plans have not been completed, the streets shall be designated and located in relation to existing and proposed streets, the topography, to natural features such as streams and tree cover, to public safety and convenience, and to the proposed use of land to be served by such streets.

10.111.2 Ingress/Egress

- Single-family or two-family developments with 30 or more lots and multi-family residential developments shall have a minimum of two (2) ingress/ egress points onto a public street, or as required by the Fire Code.

...

10.111.6. [Extensions.]

Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way, and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds one hundred and fifty ~~five hundred (500)~~ (150) feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means.

...

Sec. 10.112. Sidewalks.

10.112.1. [Construction Required.]

Except as provided in Section 10.112.3, the Town Council may require the construction of sidewalks adjacent to one (1) side of new streets in subdivisions. The sidewalks required by this section shall be ~~four (4)~~ five (5) feet in width ~~if on both sides of the street and five (5) feet in width if on one (1) side of the street.~~ All sidewalks shall be constructed according to the Smithfield Standard Detail and Specifications Manual ~~specifications set forth in the Town of Smithfield construction standards.~~

10.112.2. [Pedestrian Access.]

Whenever the town finds that a means of pedestrian access is necessary from a subdivision to schools, parks, open space, playgrounds, roads, or other facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer shall be required to reserve an unobstructed easement of at least ten (10) feet in width and a five-foot sidewalk to provide such access.

10.112.3. ~~[Subdivisions.]~~ Exception.

Subdivisions fronting on major thoroughfares are required to construct ~~four~~ five (5) foot wide sidewalk(s) on the thoroughfare right-of-way or adjacent to the right-of-way in a public easement. If the Smithfield Pedestrian Plan identifies a trail on the thoroughfare frontage or an eight (8) foot wide trail shall be installed in lieu of a sidewalk ~~or whether or not a sidewalk exists on the opposite side of the street.~~ The sidewalk(s) and trails shall comply with the Town of Smithfield Standard Detail and Specifications Manual ~~construction standards and NCDOT requirements.~~

Sec. 10.113. Utilities.

10.113.1. Water and Sewerage Systems.

10.113.1.1. In accordance with G.S. § 160A-317, any property proposing to develop within the town limits and within 300 linear feet of any water line or sewer collection line owned, leased as lessee, or operated by the town or on behalf of the town shall extend and connect, unless it is determined by the town, in its

sole discretion, that connection to the property is not feasible. The minimum distance for the extension of water mains or sewer mains shall be determined by the town. In general, the minimum distance for extension shall be one platted block, or in the case of water mains, from main line valve to valve, and in the case of sanitary sewers, from manhole to manhole. However, in no case shall water and sewer lines be extended less than the entire length of the developer's property and to adjacent parcels. ~~When within the town limits and within 300 linear feet of any Town water line or sewer collection line the subdivider shall connect to the water and sewerage systems owned and operated by the town.~~ For all residential and commercial development, the town may require that the developer install lines larger than required by the development in order to support future growth. The town will pay the material cost difference between the required utilities and the upsized lines.

10.113.1.2. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal. The statement from the County Health Department shall be based upon a field investigation. The field investigation for sewage disposal shall include a sufficient number of percolation tests (at least one (1) per acre) to determine absorption capacity of the soil and test holes at least six (6) feet deep (as needed) to determine the depth to the ground water table, and the presence of rock formations or other impervious strata.

10.113.1.3. All Town utilities shall be installed ~~per town requirements~~ in accordance with the Smithfield Standard Detail and Specifications Manual and at the direction of the Public Utilities Director.

10.114.1.4 On-site wastewater (septic) systems shall be located on the lot which the system serves unless an alternative location within an easement is approved by the Town Council.

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Sec. 10.116. - Effect of Plat Approval on Dedications and Acceptances .

10.116.2.1. At the time of submittal of a preliminary plat with streets, utilities, or other proposed to be dedicated for acceptance by the town as public, the Town Council will decide if it will approve the dedication, subject to the street(s), parks, utilities, sidewalks, or other complying with all town requirements for acceptance. The Town of Smithfield is not obligated to accept any offer of dedication.

10.116.2.2. Acceptance of dedication will be provided by ~~adoption of a resolution of~~ administrative approval of the final plat by the Town of Smithfield Town Council.

Sec. 10.117. Adjustments.

The Board of Adjustment may authorize an adjustment from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any adjustment, the Board of Adjustment shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Board of Adjustment deliberations of the request must follow quasi-judicial procedures. No adjustment shall be granted unless the Board finds:

10.117.1. There are special circumstances or conditions affecting that property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of this land.

~~10.117.2.~~ The adjustment is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

~~10.117.3.~~ The circumstances giving rise to the need for the adjustment are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.

~~10.117.4.~~ The granting of the adjustment will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which the property is situated.

An appeal to the Board's decision on an adjustment request shall be made to the Town Council. The Council's consideration of the appeal must follow quasi-judicial procedures.

...

Sec. 10.119. Final Plat Certifications and Other Documentation.

10.119.1. Exempt Plats.

10.119.2.1. Exempt Certification. I hereby certify that this recorded plat has been found to comply with the subdivision ordinance of the Town of Smithfield, North Carolina, and that this plat has been approved for recording in the register of deeds of Johnston County.

UDO Administrator

Date

PART 3

[Revise Appendix A, to reflect required 160D changes and to better reflect terms in the table of uses and activities and performance standards.]

Sec. A.3. Definitions.

Abutting. A property which directly touches another piece of property, including those separated by a street, railroad, or other transportation corridor.

Adult establishment (including and sexually oriented businesses. Adult- or sexually-oriented businesses include any businesses or enterprises that have as one (1) of their business purposes or as a portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in G.S. § 14-202.10, including the display or sale of sexual aid devices.

Agricultural products. Agricultural products are defined as products obtained primarily through farming or agricultural activities, including but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products, any USDA-recognized agricultural product. Processed or prepared food products of any kind shall not be considered as agricultural products.

Art gallery. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This classification does not include libraries, museums, or non-commercial art galleries.

Assembly Uses/Event Center. The principal use of a site or facility owned and/or operated for social, educational, or recreational purposes for-profit or non-profit. Typical uses include but are not limited to weddings, receptions, private parties, educational/informational workshops, fraternal organizations and union halls defined as assembly uses in the NC State Building Code.

Automobile off street parking (commercial lot). Any building or premises, except a building or premises described as a private garage, used for the storage of motor vehicles for the public or private businesses, including O&I uses.

Automobile repair shop. A building or other structure where the following uses and activities are permitted: major mechanics, body work, straightening of body parts, along with all uses and activities of an automotive care center. The use of a site for the repair of automobiles, noncommercial trucks,

motorcycles, motorhomes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automobile service stations. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body work, overhauling, and painting.

Automobile wash or automatic car wash. A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles.

Automotive care center. Three (3) or more automotive care uses planned and constructed as a single unit, where the following uses and activities associated with each would be permitted:

- (1) Auto parts store
- (2) Muffler shop
- (3) Transmission shop
- (4) Tune-up shop
- (5) Lubrication shop
- (6) Auto trim and detail shop, including wash, wax, and vacuum.
- (7) Tire store with service (including alignment)
- (8) Brake shop

Uses permitted do not include major mechanical and body work, straightening of body parts, storage of automobiles not in operational condition, or other work involving noises, glare, fumes, smoke, or other characteristics to an extent greater than normally found in facilities of this type.

An automotive care center is not a garage for the general repair of automobiles, or a body shop, but does include an automotive trim shop.

Bulk storage system. A facility containing storage tanks, pipe network, power, and control systems which allow dry bulk materials to be aerated and handled as required. Normally used to store materials which are consumed in relatively large quantities (i.e., barite, bentonite, and cement).

Car wash. A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles.

Cluster development. (Amended 10/3/2017) Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this ordinance, planned unit developments and mixed use development are considered as cluster development.

Collocation. (Amended 10/3/2017) The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, Town utility poles, or wireless support structures.

Commercial amusement use. Any use which provides entertainment, amusement, or recreation activities for commercial gain. This definition shall not include special events or functions customarily sponsored by or

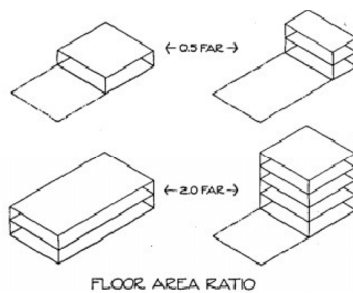
associated with schools, churches, nonprofit organizations, civic groups, fraternal orders, and charitable institutions.

Data Center. A data center is a building, dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems.

Entertainment, Indoor. An establishment offering entertainment or games of skill to the general public for a fee or charge where the activity takes place indoors. Typical uses include bowling alleys; indoor tennis facilities; indoor swimming pools; inflatable play equipment; racquet clubs; game rooms including but not limited to video games, mechanical games, pay devices, or tables for which charge in money or some other valuable is made either directly or indirectly; laser tag; escape rooms; climbing walls; trampoline park; and electric go-karts.

Entertainment, Outdoor. An establishment offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges and miniature golf courses, swimming pools and tennis courts.

FAR (Floor Area Ratio). The maximum square foot amount of total floor area including all stories and all uses permitted for each square foot of land area.



Gross density. The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all nonresidential land uses and private streets of the development, as well as rights-of-way of dedicated streets; the result being the number of dwelling units per gross acre of land.

Home occupation. An incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. The term "home occupation" shall not be deemed to include a tourist home.

Industrial, Heavy. Wholesale and industrial uses that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, processing, assembling, finishing, cleaning or developing any product or commodity.

Industrial, Light. Wholesale and warehousing and industrial uses that include fabrication, manufacturing, assembly or processing of materials that do not require an NPDES permit for an industrial discharge or requires the use or storage of any hazardous material for the purpose of manufacturing, processing, assembling, finishing, cleaning or developing any product or commodity.

Lawn and garden stores. A place of business where retail and wholesale products and produce are sold to the consumer. These stores, which may include a nursery and/or greenhouses, import most of the

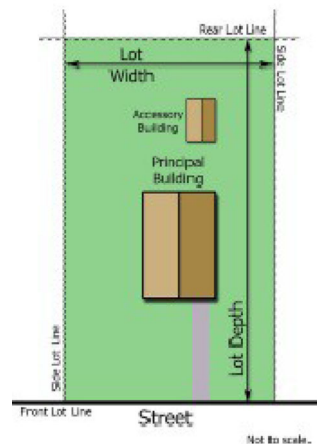
items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Legislative decision. The adoption, amendment, or repeal of a regulation under this Ordinance.. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Ordinance.

Lot, flag. (Amended 4/3/2018) A lot with two (2) distinct parts:

- (1) The flag, which typically contains building site; and is located behind another lot; and
- (2) The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is no less than 60 feet in width, than or equal to the minimum lot width for the zone.

Lot width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect the right-of-way line) Lot width refers to the horizontal distance between side lot lines. Lot width shall be measured as the distance between the side lot lines as measured at the front building setback line, or for flag lots having an access strip extending from the front of the main portion of the lot, lot width shall be measured at the place where the access strip joins the main portion of the lot. shall not be less than sixty (60) feet, except in the case of the turning circle of cul-de-sacs.



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Major and/or multi unit development. Development consisting of:

- (1) Structures on a tract of two (2) acres or more, or
- (2) Nonresidential structures having a total floor area of ten thousand (10,000) square feet or more.

Manufacturing and processing. An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include food processing and beverage bottling, large-scale bakeries, electronics assembly, pharmaceuticals, monuments, tobacco products, dry cleaning plants and printing and publishing.

Mini-storage/self-service storage. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Multifamily development. A single building on a single lot or tract containing more than two (2) dwelling units.

~~**Net acreage, acres, land area, square footage of land area.** Land area with streets, rights of way, driveways which serve as access to more than two (2) dwelling units or uses, and major transmission line easements not included in its measurement.~~

Parking facility structures and underground parking garages, commercial. Any area (except an accessory use), either open or enclosed, structural or natural, for the storage of a vehicle or vehicles. Each parking facility structure shall have an approved means of ingress and egress. ~~A parking lot is a subclassification of a parking facility.~~

Plant nursery. A use for which the principal purpose is the growing of plants outside or in a greenhouse for wholesale or retail sales.

~~**Shopping center, major.** Two (2) or more commercial establishments, planned and constructed, as a single unit with off-street parking and loading facilities provided on the property with a total building area of twenty five thousand (25,000) square feet or greater.~~

~~**Shopping center, minor.** Two (2) or more commercial establishments, planned and constructed, as a single unit with off-street parking and loading facilities provided on the property with a total building area less than twenty five thousand (25,000) square feet.~~

Stormwater management definitions. For the purposes of Article 10, Part VI, Stormwater Management, *the following items, phrases and words shall have the meaning herein:*

- (1) **Approved accounting tool.** The most recent version of the accounting tool for calculating nutrient loading and reduction approved by the Division for the relevant geography and development type under review.
 - (2) **Built-upon area (BUA).** Means the same as defined in N.C.G.S. 143-214.7(b2).
 - (3) **Design Manual.** The State Stormwater Design Manual approved by the Department for the proper implementation of the State Minimum Design Criteria for engineered stormwater controls. All references herein to the Design Manual are to the latest published edition or revision.¹ [Change this definition to a local Design Manual if one is in use, provided that the local Design Manual provides instructions for proper implementation of State Minimum Design Criteria for engineered stormwater controls.]
 - (4) **Developer.** Means the same as defined in N.C.G.S. 160D-102(11).
 - (5) **Development.** ~~Any of the following actions taken by a public or private individual or entity:~~
 - (a) ~~The division of a lot, tract, or parcel of land into two (2) or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed.~~
 - (b) ~~Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting, and filling of land.~~

Means the same as defined in N.C.G.S. 143-214.7(a1)(1).
 - (6) **Division.** The Division of Water Resources in the Department.²
-

- (7) Existing development. ~~An individual non-residential site with site plan approval by the Planning Department or a non-residential subdivision with preliminary subdivision approval from the Planning Board.~~ Means the same as defined in 15A NCAC 02H .1002(18).
- (8) **Engineered stormwater control.** A physical device designed to trap, settle out, filter, or otherwise remove pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Engineered stormwater control includes physical practices such as constructed wetlands, vegetative practices, vegetated conveyances, filter strips, grassed swales, and other methods installed or created on real property. "Engineered stormwater control" is synonymous with "structural practice," "Primary SCM", "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this ordinance. It is a broad term that may include practices that do not require design by a professionally licensed engineer.
- (9) ~~Land disturbance.~~ Removal of topsoil, grubbing, stump removal, and/or grading.
- (10) **Land disturbing activity.** Means the same as defined in 15A NCAC 02B .0202(33).
- (11) **Load.** Means the mass quantity of a nutrient or pollutant released into surface waters over a given time period. Load in this ordinance refers to pounds of nitrogen or phosphorus per year.
- (12) **Loading rate.** Means the mass quantity of a nutrient or pollutant released from a given area into surface waters over a given time period. Loading rate in this ordinance refers to pounds of nitrogen or phosphorus per acre per year.
- (13) **Minimum Design Criteria.** Means the same as defined in 15A NCAC 02H .1002(24).
- (14) **Nitrogen.** Means total nitrogen unless specified otherwise.
- (15) **Nutrient, Nutrients.** Means the combination of total nitrogen and total phosphorus.
- (16) **1-year, 24-hour storm.** Means the same as defined in 15A NCAC 02H .1002(30).
- (17) **Outfall.** A point at which stormwater (1) enters surface water or (2) exits the property of a particular owner.
- (18) **Owner.** The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.
- (19) **Permanent nutrient offset credits.** Means the same as defined in 15A NCAC 02B .0701(38).
- (20) **Redevelopment.** Means the same as defined in N.C.G.S. 143-214.7(a1)(2).
- (21) **Runoff treatment.** Means the same as defined in 15A NCAC 02H .1002(43).
- (22) **Runoff volume match.** Means the same as defined in 15A NCAC 02H .1002(44).
- (23) **Total nitrogen.** Means the sum of the organic, nitrate, nitrite, and ammonia forms of nitrogen in water.

Street. A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Johnston County Register of Deeds. The following classifications apply:

- (1) **Arterial.** The arterial system should serve the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip desires; and should carry a high proportion of the total

urban area travel on a minimum of mileage. Arterials consist of Interstates; Other Freeways and Expressways; and Other Principal Arterials.

- (2) **Collector.** The collector street system provides land access service and traffic circulation within residential neighborhoods, commercial and industrial areas. It differs from the arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to the ultimate destination.
- (3) **Local.** The local street system consists of all roads not defined as arterials or collectors and primarily provides access to land with little or no through movement.
- (4) **Alley.** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Subdivision, major. All subdivisions shall be considered major subdivision except those defined as minor subdivisions and those exempt from subdivision regulations:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- (2) division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Subdivision, minor. A subdivision shall be considered a minor subdivision if all the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than 5 acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any. NC General Statutes - Chapter 160D Article 8 2
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

A minor subdivision is a tract to be subdivided which is five (5) acres or less in size, and three (3) or fewer lots result after subdivision:

- (1) — All of which front on an existing approved public street;
- (2) — Not involving any new public streets or public street improvements, right-of-way dedication, or prospectively requiring any new street for access to interior property;
- (3) — Not requiring drainage improvements or easements to serve the applicant's property or interior properties;
- (4) — Not involving any utility extensions; and
- (5) — Not requiring any easements, other than rear and side lot line easements.
- (6) — Not creating any new or residual parcels which do not satisfy the requirements of this ordinance.

Temporary emergency, construction or repair residence. A subordinate residence (which may be a Class B A manufactured home, travel trailer) that is: located on the same lot as a single-family dwelling made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, ~~or (ii)~~ is located on the same lot as a while the primary residence that is under construction or undergoing substantial repairs or reconstruction and is occupied by the persons intending to live in such permanent residence when the work is completed.

Temporary office units/modular office units. Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to, and installation at other sites.

Temporary uses. Any use intended for temporary and limited duration, operated as an accessory to a principal use. ~~The maximum frequency of such temporary use shall not exceed two (2) occurrences within any twelve-month period and the maximum duration of such temporary use shall be seven (7) days. For purposes of this definition, the duration of each separate occurrence shall be measured on continuous days. Such use shall be subject to applicable location, setback, parking, land use and other standards for the district. Christmas tree sales, fireworks sales, carnivals and nonprofit organizations are exempt from the frequency and duration provisions of this ordinance. Temporary uses shall be exempt from the vegetation and parking lot surface improvement standards, provided however, where the director of planning due to extended duration or frequency of operation finds that the use requirements shall apply. No temporary use may omit any noise, odors, dust, fumes, glare, or vibration or cause traffic or other safety issues that could be detrimental to adjoining properties or surrounding areas.~~

Video arcade. An indoor area containing coin-operated video games.

Yard, street. A landscaped area located along a street.

PART 4

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 5

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the 6th day of June, 2023.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
ZA-23-06**

Whereas the Smithfield Planning Board, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160D-605, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Planning Board, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD PLANNING BOARD AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE AMENDMENT,

That the final action regarding zoning ordinance amendment ZA-23-06 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the regularly scheduled meeting of Planning Board; and

It is the objective of the Town of Smithfield Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Planning Board at their regularly scheduled meeting. Therefore, the ordinance amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE FAILS,

That the final action regarding zoning ordinance amendment ZA-23-06 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment does not promote this and therefore is neither reasonable nor in the public interest.



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

Petition for Amendment to the Unified Development Ordinance

Pursuant to Article 4 of the Town of Smithfield Unified Development Ordinance, Proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. The application for any amendment shall contain a description of the proposed zoning regulation.

APPLICANT INFORMATION:

_____	_____
Petitioner's Name	Address or PO Box
_____	_____
City, State, Zip Code	Telephone

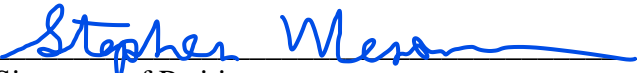
Proposed amendment to the Town of Smithfield Unified Development Ordinance:

(Attach additional sheets as necessary)

This application must be accompanied by a Statement of Justification which addresses the following:

1. How the amendment proposed would serve the public interest or correct an obvious error in the existing ordinance.
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body.

The undersigned hereby authorizes the filing of this petition and certifies that the information contained herein stands alone based on the merits of this request and is accurate to the best of their knowledge and belief.

	_____
Signature of Petitioner	Date

FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	Amount Paid: _____
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PLANNING DEPARTMENT

Mark E. Helmer, AICP, CFM
Senior Planner

Notice of Public Meeting

Notice is hereby given that a public meeting will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, May 4, 2023 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

ZA-23-06 Town of Smithfield: The applicant is requesting an amendment to the Unified Development Ordinances, Article 10, Performance Standards and Article 2, General Regulations.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at www.smithfield-nc.com.

Run Legal ad in the Johnstonian on April 19 and April 26, 2023.