



## **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, September 7, 2023***

***Meeting Time: 6:00 P.M.***

***Meeting Place: Council Chambers, Smithfield Town Hall***

# PLANNING BOARD AGENDA

FOR REGULAR MEETING

SEPTEMBER 7, 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 July 13, 2023.**

**New Business.**

**RZ-23-02 Johnson's Tire & Auto:** The applicant is requesting to rezone a .53-acre portion of a 1.53-acre tract of land from the R-20A Residential-Agriculture zoning district to the B-3 Highway Entrance Business zoning district. The property considered for rezoning is located on the south side of NC Highway 210, approximately 100 feet west of its intersection with Skyland Drive. The property is further identified as a portion of Johnston County Tax ID# 15076014.

**ZA-23-10 Town of Smithfield:** The applicant is proposing an amendment to the Unified Development Ordinance, Article 7, Section 7.44, Outdoor Vehicle Storage, Sales and Display to allow for automobile sales display areas to be identified with a perimeter area stripe in-leu of individual stripped parking stalls.

**ZA-23-11 Town of Smithfield:** The applicant is proposing an amendment to the Unified Development Ordinance, Article 7, Section 7.30.1, Special Events that will remove the requirement for a temporary use permit for events held in town parks except when there is a planned street closure, or amplified sound after 9PM and 10 PM when associated with the Town Commons Amphitheater.

**Old Business.**

**Adjournment.**

**Town of Smithfield  
Planning Board Minutes  
Thursday, July 13th, 2023  
Town Hall Council Chambers  
6:00 PM**

Members Present:

Chairman Mark Lane  
Vice-Chairman Debbie Howard  
Bryan Stanley  
Alisa Bizzell  
Doris Wallace

Members Absent:

Ashley Spain  
Wiley Narron

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 Bryan Stanley. Unanimously approved

**APPROVAL OF MINUTES for May 4<sup>th</sup>, 2023**

Debbie Howard made a motion to approve the minutes, seconded by Doris Wallace. Unanimously approved.

**NEW BUSINESS**

**RZ-23-01 Johnston County:** Mr Helmer stated that Johnston County government is requesting to rezone a 49.02-acre tract of land from the R-20A (Residential-Agricultural) zoning district and B-3 (Highway Entrance Business) zoning district to the O/I (Office/Institutional) zoning district. The property considered for rezoning is located on the east and west side of Yelverton Grove Road, approximately 480 feet south of its intersection with US 70 Highway Business East Smithfield and further identified as Johnston County Tax ID# 15L11012.

Mr. Helmer stated that Johnston County is requesting the rezoning for an expansion of its government campus East of I-95. In recent years, the County has constructed the Detention Center and Public Safety Center on the north side of US 70 Business East. The land to be rezoned will be used for government offices, storage buildings and service yards. All are permitted uses within the Office/Institutional zoning district.

Mr. Helmer stated the property to be rezoned is technically split zoned with the area within 500 feet of US Hwy 70 Business being zoned B-3 Highway Entranceway Business. The remainder of

the property is zoned R-20A Residential-Agricultural. The County's application does not reflect this split zoning.

- **Comprehensive Plan.** The comprehensive plan guides the specific property for Rural Residential and Agriculture, however, the plan did guide for expanded Office/Residential uses adjacent and to the north of the subject property. Approval of the zoning map amendment will automatically amend the comprehensive plan.

**CONSISTENCY STATEMENT (Staff Opinion):**

With approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Staff considers the action to be consistent and reasonable:

- **Consistency with the Comprehensive Growth Management Plan** -*The Comprehensive Plan guides the specific property for Low Density Residential but does guide additional Office/Residential land use in the general area.*
- **Consistency with the Unified Development Code** – *the site will be developed in conformance with the UDO. The proposed governmental uses are permitted uses in the UDO.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses. The rezoning expands upon the County's government campus in the area.*

**RECOMMENDATION:**

Planning Staff recommends approval of RZ-23-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, as amended by the rezoning, and other adopted plans, and that the amendment is reasonable and in the public interest.

Debbie Howard asked Mark Helmer if he had a signed copy of the owner's consent form?

Mr. Helmer said yes that he did.

Brian Leonard, a local surveyor/engineer stated the signed owner's consent was submitted to the Town. The County will be using this property to expand their government uses, specifically it's administrative and service-based facility. There are riparian buffers along the southern and western property boundaries. Any landscaping requirements will help to supplement any of these buffer zones. NCDOT reported there was 1200 vehicles per day on Yelverton Grove Rd in 2021. The County is prepared to provide all required off-site street improvements and or any utility extension or improvements. The County is requesting a straight rezoning to O&I.

Mark Lane asked when the traffic study numbers were completed?

Brian Leonard said a traffic count was conducted in 2021.

Mark Lane said that he lives on Yelverton Grove Rd and when he tries to turn off of that road onto Hwy 70 Business, he easily sits there 6 or 7 minutes before he can go. He said this is an issue now, before this land is even developed. Some type of plan must be put in place to control the traffic.

Brian Leonard agreed, he said something will need to be done. At the very minimum they expect turn lanes to be required by NCDOT. They expect a traffic study to be required once the size and kind of facility has been determined.

Debbie Howard made a motion to recommend approval of zoning map amendment, RZ-23-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan, as hereby amended, and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Bryan Stanley. Unanimously approved

**ZA-23-07 Town of Smithfield:** Mr. Helmer stated that the applicant is requesting an amendment to the Unified Development Ordinances, Article 2 for the creation of a side-walk fee in lieu policy and program.

Mark Helmer stated that staff is requesting the Planning Board recommend approval of the following amendments to the Unified Development Ordinance, Article 2, Section 2.22 to allow payment in lieu of required sidewalk construction with Town Council approval.

The Town requires a 5' wide sidewalk along all commercial frontages when new construction is proposed. Developers and contractors often complain about, "sidewalks to nowhere", because adjacent properties do not have sidewalks. The intent of the requirement is to slowly build a network of sidewalks as sites develop or redevelop, but in some instances, the complaint is valid in that an actual sidewalk network is unlikely to develop or it is so far into the future, the sidewalks do not make practical sense.

This ordinance would allow a fee in lieu of sidewalk construction with Town Council approval on a site-by-site basis when requested. It would base the fee on an engineer's estimate for the actual sidewalk construction and the fee in lieu would be held in separate account to be spent yearly on sidewalks elsewhere in town where they are most needed. The intent would be to use the funds to fill in gaps in existing sidewalk networks and build out from commercial centers as needed. The Town Attorney was sent the amendment for review which is pending.

Mark Lane said that he didn't agree with us requiring sidewalks and now choosing to change it.

Mark Helmer said the projects will still be responsible for sidewalks, however if there is a circumstance where we know they will be destroyed a year from now and rebuilt that would be

why we would need a fee in lieu of the sidewalk construction. It's not relieving the project of their responsibility to build sidewalk but giving the Town more flexibility in where to spend limited sidewalk dollars.

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-23-07 for a fee in lieu of sidewalk construction 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 Wallace made a motion to recommend approval of zoning text amendment, ZA-23-07, amending Article 2, Section 2.22, to allow a fee in lieu of sidewalk construction 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 with the condition that

1. language be added requiring the developer to submit multiple estimates
2. Developers be required to show a hardship when requesting to pay a fee-in-lieu of sidewalk construction
3. That a legal review by the Town attorney is favorable.

Seconded by Alisa Bizzell. Unanimously approved.

**Adjournment**

Being no further business, Bryan Stanley made a motion to adjourn; seconded by Debbie Howard.

Unanimously approved

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist



# Request for Planning Board Action

Agenda RZ-23-  
Item: 02  
Date: 9/7/23

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**Subject:** Zoning Map Amendment  
**Department:** Planning  
**Presented by:** Mark Helmer, Senior Planner  
**Presentation:** Public meeting

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## Issue Statement

Johnston Tire is requesting a zoning map amendment to rezone 0.53-acres of their 1.53-acre property, located on the South side of NC Highway 210 about 100 feet west of the intersection of Skyland Drive and NC Highway 210, from R-20A (Residential-Agricultural) to B-3 (Highway Entranceway Business).

## Financial Impact

None.

## Action Needed

The Planning Board is respectfully requested to hold a public meeting to review the rezoning and to make a recommendation to the Town Council to approve or deny the request.

## Recommendation

Planning Staff recommends approval of the rezoning, RZ-23-02, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, and other adopted plans, and that the request is reasonable and in the public interest.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff report
2. Consistency Statement
3. Application



# Staff Report

Agenda RZ-  
Item: 23-02

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## REQUEST:

Johnston Tire is requesting a zoning map amendment to rezone 0.53-acres of their 1.53-acre property from R-20A (Residential-Agricultural) to B-3 (Highway Entranceway Business).

## PROPERTY LOCATION:

The property is located roughly , located about 100 feet west of the intersection of Skyand Drive and NC Highway 210 on the south side of NC Highway 210.

## SITE DATA:

Tax ID#	15076014
Acreage:	0.53
Present Zoning:	R-20A (Residential/Agricultural)
Proposed Zoning:	B-3 (Highway Entranceway Business)
Existing Use:	Parking
Proposed Use	Parking.
Town/ETJ:	Town
Fire District:	Smithfield
School Impacts:	None
Parks and Recreation:	None
Water Provider:	Smithfield
Sewer Provider:	Smithfield
Electric Provider:	Duke

## EXISTING CONDITIONS/ENVIRONMENTAL:

A portion of the property is within the 500-year floodplain

## ADJACENT ZONING AND LAND USES: (see attached map for complete listing)

	Zoning	Existing Land Uses
North	B-3	Commercial
South	R-20A	Agriculture/Forest
East	R-20A	Forest
West	R-20A	Vacant



## **ANALYSIS:**

Johnson Tire and Auto expanded onto the 0.53 acre parcel a few years ago to use the space for parking. The expansion and use of the land for parking was done prior to site plan approval. The applicant has since received site plan approval and has been in the process of meeting all the requirements: paving, landscaping, buying down Nitrogen and rezoning.

- **Comprehensive Plan.** The rezoning is consistent with the Comprehensive Plan.

## **CONSISTENCY STATEMENT (Staff Opinion):**

With approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

- **Consistency with the Comprehensive Growth Management Plan** - *The Comprehensive Plan guides the specific property for commercial.*
- **Consistency with the Unified Development Code** – *The site has been developed in conformance with the UDO.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses.*

## **RECOMMENDATION:**

Planning Staff recommends approval of RZ-23-02 with a statement declaring the request 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.

## **RECOMMENDED MOTION:**

Staff recommends the following motion:

“move to recommend approval of zoning map amendment, RZ-23-02, 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.”

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD PLANNING BOARD  
RZ-23-02**

**Whereas** the Smithfield Planning Board, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, 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 map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, 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 APPROVE THE ORDINANCE IS ADOPTED,**

That the final action regarding zoning map amendment RZ-23-02 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 public meeting; 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 map 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 and information provided at the public meeting. Therefore, the amendment is reasonable and in the public interest.

**IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE FAILS,**

That the final action regarding zoning map amendment RZ-23-02 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 map 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

## REZONING APPLICATION

*Pursuant to Article 4, Section 4-1 of the 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. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached), (1) electronic submittal and the application fee.*

Name of Project: Johnson's Tire & Auto      Acreage of Property: 1.53  
 Parcel ID Number: 15076014      Tax ID: 168400-93-3800  
 Deed Book: 05526 / 0273      Deed Page(s): 90 / 253  
 Address: 267 NC Hwy 210 Smithfield, NC 27577  
 Location: Turning onto Hwy 210 off of Hwy 70, 3/4 mile on left

Existing Use: Auto Repair & Parking      Proposed Use: Auto Repair & Parking  
 Existing Zoning District: Com  
 Requested Zoning District: Com  
 Is project within a Planned Development:       Yes       No  
 Planned Development District (if applicable): Town of Smithfield  
 Is project within an Overlay District:       Yes       No  
 Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

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

## OWNER'S CONSENT FORM

Name of Project: Johnson's Tire & Auto      Submittal Date: 08/01/2023

### OWNERS AUTHORIZATION

I hereby give CONSENT to Robert L. Johnson III (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Robert L Johnson III      Robert L Johnson III      8/1/2023  
*Signature of Owner*      *Print Name*      *Date*

### CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

Robert L Johnson III      Robert L Johnson III      8/1/2023  
*Signature of Owner/Applicant*      *Print Name*      *Date*

### FOR OFFICE USE ONLY

File Number:      Date Received:      Parcel ID Number:



# 300 Block of NC Hwy 210

File Number:  
RZ-23-02

Project Name:  
Johnson Tire & Auto

Existing Zoning:  
R-20A

Proposed Zoning:  
B-3 (Highway  
Entrance Business)

Existing Land Use:  
Parking Lot  
and Woodlands

Tax ID#:  
15076014

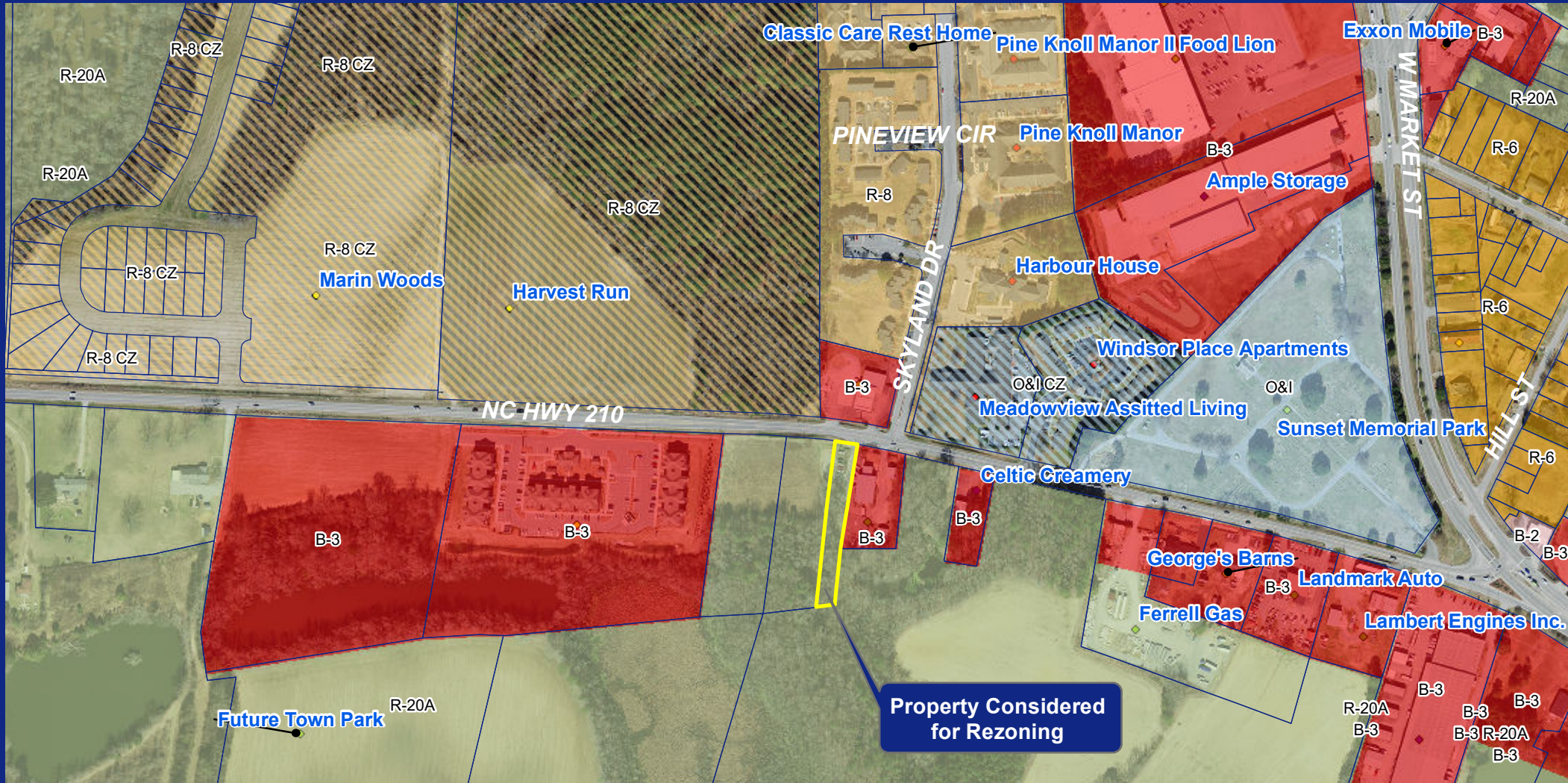
Owner:  
Robert & Maria  
Johnson

Applicant:  
Robert & Maria  
Johnson



1 in = 400 ft

Map created by the Mark E. Helmer, AICP  
Senior Planner, GIS Specialist on 8/31/2023

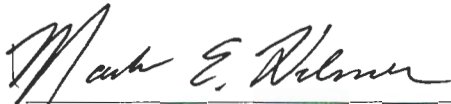




**PLANNING DEPARTMENT**  
Mark E. Helmer, AICP, Senior Planner

**ADJOINING PROPERTY OWNERS CERTIFICATION**

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, RZ-23-02, were notified by First Class Mail on 8-21-23.


  
\_\_\_\_\_  
Signature

Johnston County, North Carolina

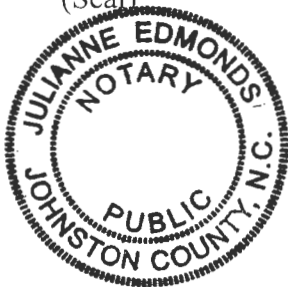
I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

21<sup>st</sup> day of August, 2023

  
\_\_\_\_\_  
Notary Public Signature

  
\_\_\_\_\_  
Notary Public Name

My Commission expires on 1-15-2028  
(Seal)





Adjacent Property Owners of  
RZ-23-02

TAG	PIN	NAME	ADDRESS	CITY	STATE	ZIP CODE
15077009	168400-84-6775	HARVEST RUN, LLC	506 MAIN ST STE 300	GAITHERSBURG	MD	20878-5768
15078199H	168400-94-5055	MEADOWVIEW AL INVESTORS LLC	RD STE 301	ROANOKE	VA	24014
15076015	168400-93-5628	ORG PROPERTIES LLC	7150 CLEVELAND RD	CLAYTON	NC	27520-7143
15077010	168400-94-2024	YASSEN INVESTMENTS, INC.	601 W ASH ST	GOLDSBORO	NC	27530-3525
15077011A	168400-94-3645	PINE KNOLL HOUSING ASSOC	P O BOX 1187	SMITHFIELD	NC	27577-0000
15077011F	168400-94-7433	HARBOR INCORPORATED	PO BOX 1903	SMITHFIELD	NC	27577-0000
15076016	169417-02-1022	FOUR HEAVNERS, LLC	PO BOX 2346	SMITHFIELD	NC	27577-2346
15076014	168400-93-3800	JOHNSON, ROBERT L III	2505 CLEVELAND RD	SMITHFIELD	NC	27577-8290
15076012	168400-93-1735	DENNING FAMILY TRUST #1	PO BOX 1058	CAROLINA BEACH	NC	28428-3606
15076012C	168400-83-9785	DENNING FAMILY TRUST #1	PO BOX 1058	CAROLINA BEACH	NC	28428-3606



# Request for Planning Board Action

Agenda **ZA-23-**  
Item: **10**  
Date: 9/5/23

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**Subject:** Zoning Text Amendment  
**Department:** Planning  
**Presented by:** Mark Helmer, Senior Planner  
**Presentation:** Business Item

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## Issue Statement

Request to amend the Unified Development Ordinance, Article 7, Section 7.44 to allow alternative vehicle striping for car sales display.

## Financial Impact

None.

## Action Needed

Planning Board is respectfully requested to review the zoning text amendment and to make a decision whether to recommend approval, approval with changes, or to recommend denial of the request.

## Recommendation

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-23-10 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 Zoning Text Amendment
2. Consistency Statement
3. Application





# Staff Report

Agenda ZA-  
Item: 23-10

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## REQUEST:

Staff is requesting the Planning Board recommend approval of the following amendments to the Unified Development Ordinance, Article 7, Section 7.44 to allow alternative vehicle striping for car sales display.

## ANALYSIS:

The Town has been in litigation with Deacon Jones about parking lot striping requirements. To find a compromise solution that meets both the Town's needs and those of Deacon Jones, the attached draft ordinance was created. The Town currently requires cars on car sales lots to be either within a striped parking stall or within a screened storage yard. One of the purposes of the regulation is to limit the number of cars on the lot to the number that fit within a striped parking lot or screened storage yard. Cars, therefore, cannot be within drive isles, or double parked. This ordinance will create a third option. The ordinance will achieve the following:

- The rectangular display areas will hold proportionally the same number of vehicles as if the parking lot were striped in a traditional manner.
- Vehicles within a display box will need to be parked uniformly within the box as if it were striped.
- The display boxes will afford the dealerships the ability to shift vehicles as needed within the box to perpendicular or angled parking to draw the attention of shoppers. It will allow the dealers to spread cars out or park them closer together but limit the number of vehicles within to the number that would fit if striped traditionally.
- The rectangular display areas will be accessed by a drive isle in a similar manner to traditional striping maintaining clear demarcation of drive isles for safety.
- The number of vehicles allowed within a box will be marked within the rectangle.
- The display areas will be demarcated by a 4" wide white painted line on all sides.
- Prohibits cars being displayed in parking lot driveway, drive isle or landscaped areas.

## CONSISTENCY STATEMENT (STAFF OPINION):

Staff finds the zoning text amendment as 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 recommend the Planning Board recommend approval of the zoning text amendment ZA-23-10, 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.

**RECOMMENED MOTION:**

Staff recommends the following motions:

“move to recommend approval of zoning text amendment, ZA-23-10, amending Article 7, Section 7.44, to allow alternative vehicle striping for car sales display, 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-23-10**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 7, SECTION 7.44 TO ALLOW AN ALTERNATIVE VEHICLE STRIPING**  
**FOR CAR SALES DISPLAY**

**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 Article 7, Section 7.44 as it pertains to outdoor vehicle storage, sales and display.

**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:

[Amend Article 7, Section 7.44, allowing alternative vehicle striping for car sales display within a rectangular display area.]

**PART 1**

***Sec. 7.44. Outdoor Vehicle Storage, Sales and Display.***

**7.44.1. ~~Paved Surface/Storage~~**

~~All vehicles for stored outside for display, or sale shall be on a paved surface of bituminous, concrete or other approved comparable surface and in a striped parking stall complying with Article 10, Part I, or stored within a paved storage yard screened from the public right a way by a durable opaque fence, opaque wall and/or a solid vegetative buffer with a minimum height of six (6) feet.~~

7.44.1. All such vehicles shall be on a paved surface of bituminous, concrete, or other approved comparable surface.

7.44.2. All such vehicles shall be within a striped parking stall complying with Article 10, Part I, within a rectangular display area in accordance with Section 7.44.3 or stored within a paved storage yard screened from the public right-a-way by a durable opaque fence, opaque wall and a solid vegetative buffer with a minimum height of six (6) feet.

7.44

7.44.3. Rectangular Vehicle Display Areas.

7.44.3.1. Rectangular vehicle display areas shall be outlined on all sides by standard solid 4" wide solid white striping paint in accordance with MUTCD standards.

7.44.3.2. The number of vehicles allowed within a display area shall be limited to the number of standard 9' x 18' parking spaces that can fit within it and that number shall be painted within each rectangle.

7.44.3.3. The total square footage of rectangular display areas shall not exceed 30% of the square footage of the total parking area of outdoor parking on the lot as defined by the uniform usage allowing that two or more subdivision lots may be used together.

7.44.3.4. Vehicles within a display area shall be parked uniformly, either angled or perpendicular to the adjacent access aisle.

7.44.3.5. Each rectangular vehicle display area shall be accessed through a driveway isle extending through the parking lot.

7.44.4. No vehicle stored outside for display or sale shall be parked within a driveway, access aisle or landscaped area.

7.44.5. Vehicle display areas shall be located in an approved parking lot as an alternative to standard 9'x18' striping with aisles as required in Sections 10.2.4 and shall meet all other parking and landscaping requirements as applicable.

**PART 2**

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

**PART 3**

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 \_\_\_\_\_ day of October 2023.

---

M. Andy Moore, Mayor

ATTEST

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Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD PLANNING BOARD  
ZA-23-10**

**Whereas** the Smithfield Planning Board, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, 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 §160A-383, 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-23-10, 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-23-10, 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.





# Request for Planning Board Action

Agenda ZA-23-  
Item: 11  
Date: 9/5/23

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**Subject:** Zoning Text Amendment  
**Department:** Planning  
**Presented by:** Mark Helmer, Senior Planner  
**Presentation:** Business Item

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## Issue Statement

Request to amend the Unified Development Ordinance, Article 7, Section 7.30.1 to exempt special events in Town parks from temporary use permits except when there is a street closure or amplified sound after 9 PM (10 PM if associated with the Amphitheater).

## Financial Impact

None.

## Action Needed

Planning Board is respectfully requested to review the zoning text amendment and to make a decision whether to recommend approval, approval with changes, or to recommend denial of the request.

## Recommendation

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-23-11 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 Zoning Text Amendment
2. Consistency Statement
3. Application



# Staff Report

Agenda ZA-  
Item: 23-11

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## **REQUEST:**

Parks and Planning Staff are requesting the Planning Board recommend approval of the following amendments to the Unified Development Ordinance, Article 7, Section 7.30.1 to exempt special events in Town parks from temporary use permits except when there is a street closure or amplified sound after 9 PM (10 PM if associated with the Amphitheater).

## **ANALYSIS:**

Temporary use permits are currently required when special events:

- Have amplified sound.
- Have one hundred (100) people or more in attendance.
- Requires closure or blockage of town streets.
- Have food trucks on private property in accordance with Section 7.25.1
- have a likelihood of damage to public or private property, injury to persons, public disturbances or nuisances, unsafe impediments to pedestrian or vehicular travel, or other significant adverse effects upon the public health, safety, or welfare as determined by the Planning Director.

For special events in parks, the organizer already needs approval from the Parks Department to use the facilities and parks by nature are intended for gathering of people, loud noises. The draft ordinance would allow the Parks Department to approve all events within parks, exempting the requirement for a temporary use permit unless the event were to require a street closure or amplified sound after 9 PM (10 PM for the Amphitheater).

## **CONSISTENCY STATEMENT (STAFF OPINION):**

Staff finds the zoning text amendment as 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 recommend the Planning Board recommend approval of the zoning text amendment ZA-23-11 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.



**STAFF RECOMMENDED MOTION:**

Staff recommends the following motions:

“move to recommend approval of zoning text amendment, ZA-23-11, amending Article 7, Section 7.30.1, exempting special events in parks from temporary use permits unless they require street closures or amplified sound after 9 PM (10 PM for the Amphitheater), 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-23-11**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 7, SECTION 7.30.1 TO EXEMPT CERTAIN SPECIAL EVENTS IN PARKS**  
**FROM TEMPORARY USE PERMITS.**

**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 Article 7, Section 7.30.1 as it pertains to exempting special events in Town parks from temporary use permits except when there is a street closure or amplified sound after 9 PM (10 PM if associated with the Amphitheater).

**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:

[Amend Article 7, Section 30.1, exempting special events in Town parks from temporary use permits except when there is a street closure or amplified sound after 9 PM (10 PM if associated with the Amphitheater)]

**PART 1**

**7.30.1. [Special Events.]**

Special events requiring temporary use permits approved by the Town Council. The Town Council shall consider the effects of the use on adjacent properties and shall set a specific time limit on such uses:

[7.30.1.1. Reserved.]

7.30.1.2. Events with amplified sound.

7.30.1.3. Events with one hundred (100) people or more in attendance.

7.30.1.4. Events that require closure or blockage of town streets.

7.30.1.5. Events with food trucks on private property in accordance with Section 7.25.1

7.30.1.6. Events that have a likelihood of damage to public or private property, injury to persons, public disturbances or nuisances, unsafe impediments to pedestrian or vehicular travel, or other significant adverse effects upon the public health, safety, or welfare as determined by the Planning Director.

7.30.1.7. Events that occur within Town Parks are exempt from temporary use permits except when there is a planned street closure, or amplified sound after 9PM (10 PM if associated with the Town amphitheater).

**PART 2**

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

**PART 3**

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 \_\_\_\_ day of October 2023.

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M. Andy Moore, Mayor

ATTEST

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Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD PLANNING BOARD  
ZA-23-11**

**Whereas** the Smithfield Planning Board, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, 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 §160A-383, 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-23-11, 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-23-11, 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.



## PLANNING DEPARTMENT

Mark E. Helmer, AICP, CFM  
Senior Planner

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### **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, September 7, 2023 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**RZ-23-02 Johnson's Tire & Auto:** The applicant is requesting to rezone a .53-acre portion of a 1.53-acre tract of land from the R-20A Residential-Agriculture zoning district to the B-3 Highway Entrance Business zoning district. The property considered for rezoning is located on the south side of NC Highway 210, approximately 100 feet west of its intersection with Skyland Drive. The property is further identified as a portion of Johnston County Tax ID# 15076014.

**ZA-23-10 Town of Smithfield:** The applicant is proposing an amendment to the Unified Development Ordinance, Article 7, Section 7.44, Outdoor Vehicle Storage, Sales and Display to allow for automobile sales display areas to be identified with a perimeter area stripe in-leu of individual stripped parking stalls.

**ZA-23-11 Town of Smithfield:** The applicant is proposing an amendment to the Unified Development Ordinance, Article 7, Section 7.30.1, Special Events that will remove the requirement for a temporary use permit for events held in town parks except when there is a planned street closure, or amplified sound after 9PM and 10 PM when associated with the Town Commons Amphitheater.

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](http://www.smithfield-nc.com).

Run legal "ad" in the News and Observer on August 23, 2023 and August 30, 2023.