



## **PLANNING BOARD AGENDA**

### ***Members:***

***Chairman: Stephen Upton (Town)***

***Vice-Chairman: Mark Lane (ETJ)***

***Doris Wallace (Town)***

***Ashley Spain (ETJ)***

***Michael Johnson (Town)***

***Alisa Bizzell (Town)***

***Sloan Stevens (Town Alt)***

***Debbie Howard (Town)***

***Stephen Wensman, AICP, ALA, Planning Director***

***Mark Helmer, AICP, CZO, Senior Planner***

***Julie Edmonds, Administrative Assistant***

***Meeting Date: Thursday, January 6, 2022***

***Meeting Time: 6:00 p.m.***

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

# PLANNING BOARD

## REGULAR MEETING AGENDA

JANUARY 6, 2022 MEETING TIME: 6:00 PM

TOWN HALL COUNCIL CHAMBERS

**Call to Order.**

**Identify voting members.**

**Approval of the agenda.**

**Approval of the minutes for December 2, 2022.**

**New Business.**

**RZ-21-06 Wood & Warrick:** The applicants are requesting to rezone three parcels of land totaling approximately 42.1 acres from the R-20A (Residential-Agricultural) and B-3 (Business) zoning districts to the LI (Light Industrial) zoning district. The properties considered for rezoning are located on the northeast side of the intersection Barbour Road and US Hwy 70 West Smithfield. The properties are further identified as Johnston County Tax ID# 15079004, 15079004A and 15079006.

**Town Plan Amendment:** The Town of Smithfield is requesting an amendment to update the Transportation and Growth Management Plan in response to rapid growth in the West Smithfield area.

**ZA-21-08 Regulations for Signs:** The Town of Smithfield is requesting an amendment to Article 10, Part III, Regulations for Signs that will allow additional wall mounted sign opportunities for commercial properties, modifies multitenant monument sign requirements, creates residential subdivision signs requirements and modifies existing text to clarify and eliminate inconsistencies throughout the document.

**Old Business.**

**ZA-21-06 Short Term Rental:** The Town of Smithfield is requesting an amendment to Article 6 and Article 7 of the Unified Development Ordinance to allow for short term rental units and to create standards for which they must meet to be considered for approval.

**Public Comment.**

**Adjournment.**

**Town of Smithfield  
Planning Board Minutes  
Thursday, December 2nd, 2021  
Town Hall  
Council Chambers  
6:00 PM**

Members Present:

Chairman Stephen Upton  
Vice-Chairman Mark Lane  
Debbie Howard  
Michael Johnson  
Sloan Stevens  
Ashley Spain  
Alisa Bizzell  
Doris Wallace

Members Absent:

Staff Present:

Stephen Wensman, Planning Director  
Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Assistant

Staff Absent:

**CALL TO ORDER**

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES FOR NOVEMBER 4<sup>TH</sup>, 2021**

Doris Wallace made a motion to approve the minutes for October 7<sup>th</sup>, 2021, seconded by Sloan Stevens. Unanimously approved.

**APPROVAL of the 2022 MEETING SCHEDULE**

Alisa Bizzell made a motion to approve the 2022 meeting schedule, seconded by Doris Wallace. Unanimously approved.

**NEW BUSINESS**

**RZ-21-04: Twin Creeks Phase 1A:** Michael Stewart, PE, is requesting a zoning map amendment to rezone 1.61 acres of a property (Johnston County ID #15I09011B) from AR (county zoning district) to R20-A Residential-Agriculture (to be annexed into the Town).

Stephen Wensman stated that a portion of the subject property, 21.26 acres, was annexed into the Town on December 5, 2018, and subsequently rezoned to R20-A on February 2019. In 2021, the developer discovered that there was a mistake with the legal description on the title documents which has resulted in an additional 1.61 acres of land associated with the property (Johnston County ID #15I09011B). The original annexation and rezoning by the Town did not include this 1.61 acres of land. With a petition for annexation, and rezoning to R-20A, the developer is requesting preliminary plat approval to create 3 new lots. The preliminary plat of Twin Creeks Phase 1 approval was accepted as part of the annexation of 21.39-acres. Twin Creeks Phase 1A requires major subdivision approval because it will be replating a portion of the Twin Creeks Phase 1 subdivision. The proposed Twin Creeks

Phase 1A seeks to utilize a 0.4-acre portion of the original Twin Creeks Phase 1 open space adding it to the 1.61-acres to create 3 new detached single family residential lots on 2.01-acres with .42 acres of open space. The lots meet the R-20A dimensional requirements.

Doris Wallace made a motion to approve the zoning map amendment, RZ-21-04 finding it 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, seconded by Michael Johnson. Unanimously approved.

**S-21-06: Twin Creeks Phase 1A:** The applicant is requesting preliminary subdivision approval for the creation of three lots from a 2.01-acre tract of land. The property considered for approval is located on the south side of Black Creek Road approximately 1,650 feet of south west of its intersection with NC Hwy 210 and further identified as Johnston County Tax ID# 15I09052A.

Stephen Wensman said that Stewart-Proctor, PLLC is requesting the preliminary plat approval of Twin Creeks Phase 1A, a 3-lot detached single-family development in the R-20A Zoning District (to be annexed and rezoned to R-20A prior to the preliminary plat public hearing). He is seeking comments or thoughts on this plat, no recommendation from the board. This development is will be within the Town Corporate limits with annexation and will provide property taxes for 3 single family residential lots to serve by Town utilities, police, fire, and trash and other public services.

Mark Lane asked if the board was looking at a total of (3) plats but only looking at one new plat tonight?

Stephen Wensman said correct.

**FINDING OF FACT (Staff Opinion):**

To approve a preliminary plat, the Planning Board/Town Council shall make the following finding (staff's opinion in Bold/ Italic):

1. The plan is consistent with the adopted plans and policies of the town; **The plan is consistent with the adopted plans and policies of the town.**
2. The plan complies with all applicable requirements of this ordinance; **The plan complies with all applicable requirements of this ordinance.**
3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed. **There is adequate infrastructure.**
4. The plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses. **The plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses.**

**RECOMMENDATION**

Staff will be recommending that the Town Council approve the subdivision with the following conditions:

1. That the driveway aprons be constructed in accordance with the Town's Standard Specifications and Details.
2. That the final plat of Twin Creeks Phase 1A be made after the recording of the Twin Creeks Phase 1 final plat.
3. That the 3 lots be incorporated into the Twin Creeks HOA.
4. That the developer pays the fee-in-lieu of park dedication prior to final plat
5. That all utility fees be paid prior to final plat.

Mark Lane asked if there was any road frontage with plats 1 and 2?

Stephen Wensman said no

Mark Lane asked if they would be required to have sidewalks?

Stephen Wensman said yes, they are showing them on their plans.

Mark Lane asked if street signs were required?

Stephen Wensman said they aren't requesting conditional zoning so we don't have the ability to ask for street signs. Subdivision signs are not a requirement of preliminary plats.

The board voted yes that S-21-06 meets their standards and they would like to recommend it to Town Council.

**RZ-21-05 Kimicka Woodin:** The applicant is requesting to rezone one parcel of land totaling .93 acres from the R-20A (Residential-Agricultural) zoning district to the R-10 (Residential) zoning district. The property considered for rezoning is located on the north side of Laurel Drive approximately 136 feet east of its intersection with Laurelwood Drive. The property is further identified as Johnston County Tax ID# 15078014A.

Mark Helmer stated that Kimicka Woodin is requesting the rezoning of 310 Laurel Drive from R-20A to R 10 in order to run a small child care center out of her home.

Debbie Howard asked if the applicant is wanting to build a separate building for her childcare facility?

Mark Helmer said no, a childcare facility is an accessory use to a single-family dwelling.

Debbie Howard made a motion to approve zoning map amendment, RZ-21-05, 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 Mark Lane. Unanimously approved.

**S-21-08 Galilee Point:** The applicant is requesting preliminary subdivision approval of a 7.5 acre tract of land for the creation of ten residential lots. The property considered for approval is located on the north side of the intersection of NC Hwy 210 and Galilee Road and further identified as Johnston County Tax ID# 15I09034K.

Mark Helmer stated Adams & Hodge Engineering, PC is requesting the preliminary plat of Galilee Point, a 10-lot detached single-family residential subdivision in the R-20A Zoning District. The property owners are Cloudbreak Investments, LLC. The property considered for approval is not within a flood zone and has no environmentally sensitive features.

**FINDING OF FACT (Staff Opinion):**

To approve a preliminary plat, the Town Council shall make the following finding (staff's opinion in Bold/ Italic):

1. The plat is consistent with the adopted plans and policies of the town; **The plat is consistent with the adopted plans and policies of the town.**
2. The plat complies with all applicable requirements of this ordinance: **The plan complies with all applicable requirements of this ordinance.**

3. There exists adequate infrastructure (transportation and utilities) to support the plat as proposed. **There is adequate infrastructure.**
4. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses. **The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses.**

Planning Staff recommends approval of S-21-08 with the following conditions:

1. That park dedication fee-in-lieu be paid prior to final plat in accordance with UDO Section 10.114.8.
2. That a public dedicated right-of-way be constructed to NCDOT standards.
3. That a sidewalk be provided on one side of the proposed street and along NC Hwy 210.
4. The streets connectivity be provided to the property to the south and to the 19.47-acre remainder of the parent parcel.
5. All other requirements of the UDO be met.

Stephen Wensman pointed out that the HOA's are responsible for the upkeep of sidewalks.

Mark Helmer stated this development was received by planning staff prior to the adoption of the requirement for landscaping. Therefore, this subdivision doesn't have to meet our new landscape regulations.

Debbie Howard made a motion to approve zoning map amendment, S-21-08, with 5 conditions of approval found in the staff report, based on the 4 finding of fact for preliminary subdivision, seconded by Alisa Bizzell. Unanimously approved.

**ZA-21-06 Short Term Rental:** The Town of Smithfield is requesting an amendment to Article 6 and Article 7 of the Unified Development Ordinance to allow for short term rental units and to create standards for which they must meet to be considered for approval.

Stephen Wensman said the Town of Smithfield is experiencing unprecedented growth and with-it short-term rentals (STR). At the last check, Smithfield had 4 operating within its corporate limits and several others in the ETJ. STRs are generally rentals of residential homes for a period of less than 6-months but can be defined differently by local zoning codes. STRs are typically conducted online under the shared economy brands like VRBO, HomeAway and Airbnb. Under the Town's UDO, short-term rentals are not permitted. Currently, we have one that was permitted as a Bed and Breakfast that has been receiving some complaints, mostly about pets trespassing, noise, trash roll offs left at the street and concerns that the use is not permitted at all. The Bed and Breakfast ordinance is subject to supplemental regulations including one that requires the owner to reside on the property. The primary difference between traditional Bed and Breakfasts and short-term rentals is that short-term rentals are not usually owner occupied and breakfasts are not prepared for guests.

Municipalities across North Carolina (NC) and the United States have been struggling to address the explosion of STRs and limit and/or eliminate disturbances to adjacent residential property and within established residential communities. Many NC municipalities have drafted ordinances to control or prohibit STRs; some resulting in lawsuits by the industry. Planning staff has reviewed ordinances from Raleigh, Cornelius, Wilmington, Brevard and has drafted an ordinance based on Raleigh's. The draft ordinance amends Section 6.6, Table of Uses and Activities, creates supplementary standards in Article 7, and adds a definition of STRs in Appendix A. The ordinance allows STRs in all districts except R-MH, B-1, LI, HI and AHH with supplemental standards. This includes all conditional zoning districts in residential structures (CZ and PUD Districts). The B-1 District was not included because of the limited parking available. The draft ordinance was created to minimize the potential disturbances created by STRs. The ordinance supplementary standards address:

- Prohibition on site advertising
- Prohibition on large gatherings or special events in a STR
- Ensures appropriate off-street parking
- Ensures trash and recycling is properly managed.
- Minimizes the amount of STR in multifamily buildings.
- Requires a 3-year record of renters

The draft ordinance defines an STR as:

- A dwelling unit that can be used for overnight lodging accommodations that is provided to renters for no longer than 30 days for compensation. A portion of or the entire dwelling unit can be used for lodging, including part or all of an accessory structure.

Stephen Wensman pointed out that Donna Bailey-Taylor (President/CEO of the Johnston County Visitors Bureau) said you can't get rid of these short-term rentals. You're better off trying to regulate them legally and try to put some structure to them.

Mark Lane said so I can buy a 15-room house and rent out rooms to whomever I wish if we approve this?

Stephen Wensman said yes.

The legislature has made it difficult for local government to get rid of these. However, we are able to regulate them.

Debbie Howard said but they haven't made it when we can't prohibit them.

Stephen Wensman said Wilmington tried to prohibit them and they were sued and lost.

Mr. Wensman said the supplementary standards prohibit site advertising. It also prohibits large gatherings or special events in a short-term rental.

Debbie Howard asked what constitutes as a large gathering?

Stephen Wensman said we can put definitions on that.

This change would ensure appropriate off-street parking, that trash and recycling is properly managed, minimizes the amount of short-term rental in multifamily buildings so you don't get an entire building that's all rental. It would also require a record of who comes and goes in case there's crime or neighborhood issues.

Stephen Wensman said we need to put a definition to what a short-term rental is. Allowing up to 6 months seems like a long time. He has it in the draft ordinance up to 30 days. There is a STR out in the towns ETJ that rents the accessory dwelling unit as the rental space. He underlined including all or part of an accessory structure. He asked the board if that was something they wanted to keep or delete.

Debbie Howard asked if there were any stipulations in the draft ordinance that these short-term rentals must have water and sewer?

Stephen Wensman said the county could shut down anyone living in a garage or accessory structure without plumbing, sewer or water.

Pam Lampe of 415 N. Second Street came forward. She said 90% of Smithfield didn't know about all of the short-term rentals in the area. She thinks someone should apply for a special use permit to have a STR.

Stephen Wensman said it can't be permitted because it's not recognized in the code.

Pam Lampe doesn't think short-term rentals should be allowed but bed and breakfasts would be ok.

Stephen Wensman said we could make this a special use permit, but what will it achieve? What conditions would you put in a STR that aren't already in the supplementary standards already?

Pam Lampe asked how this change would affect Homeowner Associations that prohibit this activity?

Stephen Wensman said HOA are responsible for their own association. For instance, East River has an Airbnb in it and they have an HOA. Developer David DeYoung is aware of this, it's a former employee of theirs. No complaints have been received.

Pam Lampe asked if it was fair for homeowners that have a homeowner's association to have more lenient rules than the rest of us? Could this result in a lawsuit against the homeowner's association?

Stephen Wensman said that's how they enforce their HOA's, they sue one another.

Pam Lampe asked if the activities of short-term rentals were subject to the sales and use tax such as hotels?

Stephen Wensman said yes

Pam Lampe asked who kept those records?

Stephen Wensman said Airbnb is required to.

Pam Lampe asked if these rentals are subject to hotel tax?

Stephen Wensman said yes, they are.

Pam Lampe asked if it didn't hurt property values when a community is full of short-term rentals?

Debbie Howard said yes, but you have to disclose if you know.

Pam Lampe asked if these short-term rentals would be inspected?

Stephen Wensman said if we pass this ordinance, anyone wanting to operate a rental such as this would be required to obtain a zoning permit from the town, otherwise they would be in violation.

Mark Lane asked when this draft ordinance would go before Town Council?

Stephen Wensman said it would go to Town Council on January 4<sup>th</sup>.



Pam Lampe asked why the Planning Board/ Planning Staff want to promote short-term rentals?

Stephen Upton asked how the Planning Board was promoting this? He doesn't feel that they are.

Mark Lane asked if the Planning Board could table this for 30 days?

Ashley Spain made a motion to table ZA-21-06, seconded by Debbie Howard. Unanimously approved.

**ZA-21-07 Ethics:** Staff requests the Planning Board to review the draft UDO Amendment amending the Ethics requirement for appointed board members to better align it with State statutes.

Stephen Wensman said on January 5, 2021, the Town adopted amendments to the Unified Development Ordinance (UDO) to comply with NCGS 160D. These amendments included an amendment to Section 3.2 Ethics which was more restrictive than State statutes. This draft amendment more closely aligns Section 3.2 with N.C.G.S. 14-234 and N.C.G.S. 160D-109. The UDO amendment to Section 3.2 Ethics updated the ethics requirements for appointed boards to follow NCGS 160D legislation, however the adopted Town ordinance did not consider exceptions found in the statutes which as a result effectively prohibits any Town Council appointed board member from having a contract with the Town of Smithfield whether the appointed board member had any influence over the contract or not. Currently, one or more of the Town's appointed board members are in violation of the Town's ethics regulations, making them ineligible for reappointed. The proposed amendment to Section 3.2 remedies this by making the Town's ordinance better aligned with State statutes.

Debbie Howard made a motion to approve move to recommend approval of zoning text amendment, ZA-21-07, 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.

#### **OLD BUSINESS**

None

#### **Adjournment**

Being no further business, Ashley Spain made a motion seconded by Debbie Howard to adjourn the meeting. Unanimously approved.



# Request for Planning Board Action

Agenda  
Item: RZ-21-06  
Date: 01/06/21

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**Subject:** Zoning Map Amendment  
**Department:** Planning  
**Presented by:** Stephen Wensman, Planning Director  
**Presentation:** Public meeting

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## Issue Statement

Ann Wood and Sue Warrick are requesting the rezoning of 2 properties (42.1-acres) in the R-20A - Residential/Agriculture Zoning District to LI - Light Industrial.

## 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-21-06 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: 21-06

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## REQUEST:

Ann Wood and Sue Warrick are requesting the rezoning of 3 properties (42.1-acres) in the R-20A - Residential/Agriculture and B-3 - Highway Entranceway Business to LI - Light Industrial.

## PROPERTY LOCATION:

The properties are located at the intersection of US 70 Business West and Barbour Road.

## SITE DATA:

Tax ID# 15079006, 15079004A and 15079004  
Acreage: 42.1-acres  
Present Zoning: R-20A and B-3  
Proposed Zoning: LI  
Existing Use: Residential and Agriculture  
Proposed Use: Light Industrial  
Town/ETJ: ETJ  
Fire District: Wilsons Mills  
School Impacts: None  
Parks and Recreation: None  
Water Provider: Smithfield  
Sewer Provider: Smithfield  
Electric Provider: Duke

## EXISTING CONDITIONS/ENVIRONMENTAL:

The property is not located within a floodplain. The property is a mix of open agricultural fields, woodlands with residential homes on the two smaller properties.

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

	Zoning	Existing Land Uses
North	LI	Industrial
South	B-3 and LI	Single-family residential/Industrial
East	LI & R-20A	Single-family residential/Industrial
West	B-3 & LI	Residential/Agriculture

## **ANALYSIS:**

The applicant is requesting the rezoning to be in conformance with the comprehensive plan and to be prepared to market the property. There are no specific industrial uses yet identified for the property.

- **Comprehensive Plan.** The comprehensive plan identifies this property for Industrial/Employment. The rezoning is in accordance with the plan.

Other considerations:

- The land requested for rezoning is adjacent to existing Light Industrial property
- The land requested for rezoning has frontage on Barbour Road and US Highway 70 Business.
- The area has been transitioning toward industrial land uses with the development of the Amazon facility and recent rezonings in the area.

## **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 area for Industrial/Employment.*
- **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses which are transitioning to Industrial.*

## **RECOMMENDATION:**

Planning Staff recommends approval of RZ-21-06 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-21-06, 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-21-06**

**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-21-06 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 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-21-06 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 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: Wood / Warrick Site      Acreage of Property: 42.1  
 Parcel ID Number: 15079006, 15079004A and 15079004      Tax ID: 15079006, 15079004A and 15079004  
 Deed Book: \_\_\_\_\_      Deed Page(s): \_\_\_\_\_  
 Address: 2475 Barbour Rd Smithfield NC  
 Location: 2 lots along US 70 Business West and property located on Barbour Rd

Existing Use: Residential and Agricultural      Proposed Use: Residential and Farm until determined  
 Existing Zoning District: B3 and R20A  
 Requested Zoning District: Light Industrial  
 Is project within a Planned Development:       Yes       No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:       Yes       No  
 Overlay District (if applicable): Commercial Business

### FOR OFFICE USE ONLY

File Number: \_\_\_\_\_      Date Received: 11-12-2021      Amount Paid: \$ 400.00  
CK # 779





**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject zoning map amendment. I hereby certify that I have full legal right to request such action and that 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.*

Ann U. Wood/Sue U. Warrick      Ann U. Wood/Sue U. Warrick      11/4/21  
Print Name                                      Signature of Applicant                                      Date



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: Wood Warrick Property

Submittal Date: November 10, 2021

**OWNERS AUTHORIZATION**

I hereby give CONSENT to \_\_\_\_\_ (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.

\_\_\_\_\_  
*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.

Ann U. Wood/Sue U. Warrick  
*Signature of Owner/Applicant*

Ann U. Wood/Sue U. Warrick  
*Print Name*

11/11/21  
*Date*

**FOR OFFICE USE ONLY**

File Number:	Date Received:	Parcel ID Number:
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# US Highway 70 Business West

File Number:  
RZ-21-06

Project Name:  
Wood-Warrick  
Rezoning

Location: US Hwy 70  
Business  
West Smithfield

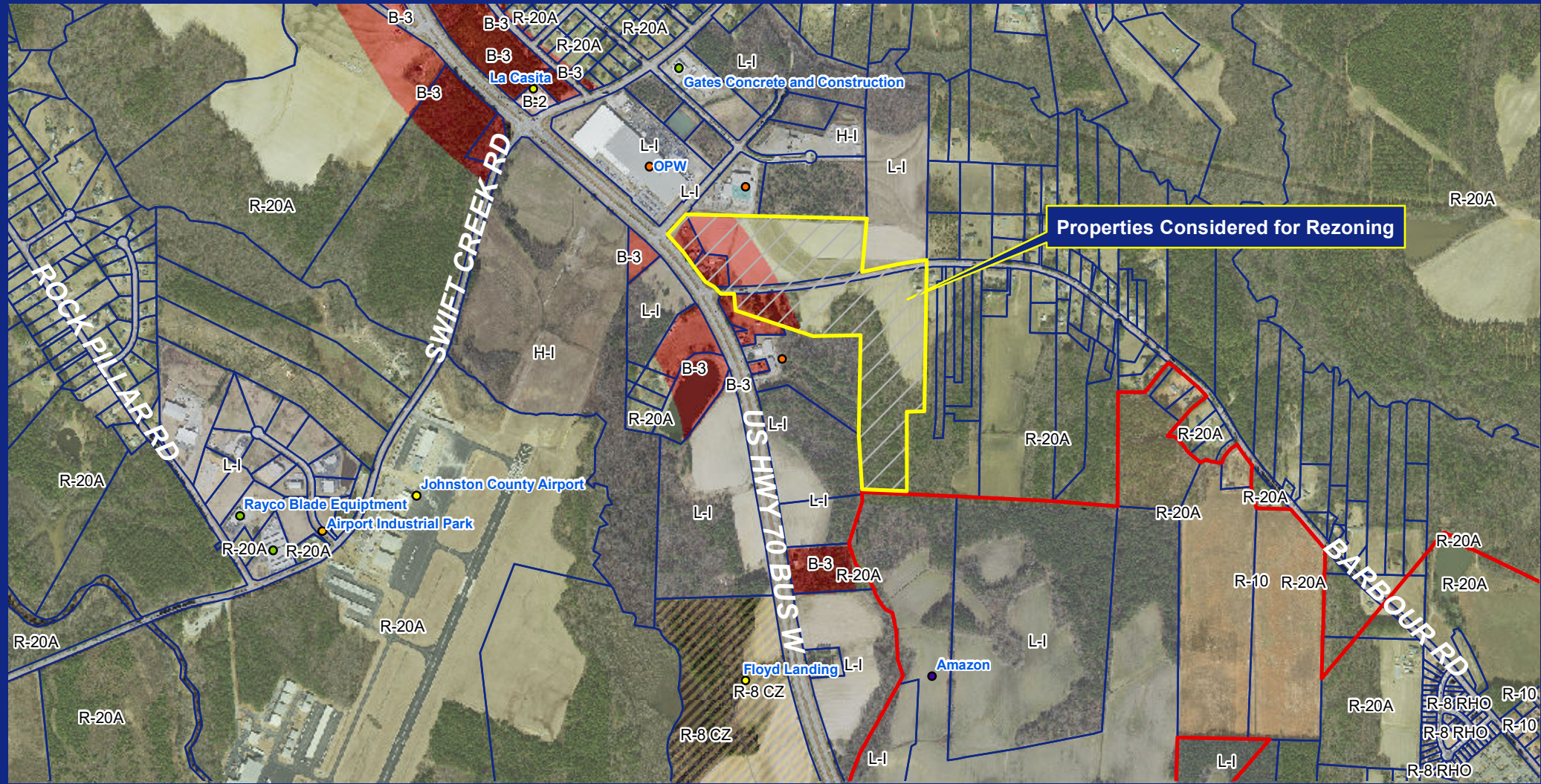
Tax ID#:  
15079004, 15079004A  
& 15079006

Existing Zoning: B-3 and  
R-20A Residential

Proposed Zoning:  
LI (Light Industrial)

Owner:  
Ann Wood  
& Sue Warrick

Applicant:  
Ann Wood  
& Sue Warrick





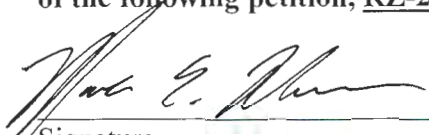
**PLANNING DEPARTMENT**

Mark E. Helmer, AICP, Senior Planner

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**ADJOINING PROPERTY OWNERS CERTIFICATION**


I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, RZ-21-06, were notified by First Class Mail on 12-17-21.

  
\_\_\_\_\_  
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

17th day of December, 2021

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

Julianne Edmonds  
\_\_\_\_\_  
Notary Public Name

My Commission expires on January 15, 2023  
(Seal)



Adjacent Property Owners of  
RZ-21-06

TAG	PIN	NAME	ADDRESS	CITY	STATE	ZIPCODE
15079001B	168510-37-2383	STAG SMITHFIELD LLC	1 FEDERAL ST 23RD FLOOR	BOSTON	MA	02110-2013
15078022E	168511-56-7670	BELL BENTON, JACQUELYN	6607 WOODSTREAM DRIVE	LANHAM	MD	20706-0000
15078019B	168510-45-2930	PRINCE HOLDINGS LLC	951 CRANBERRY DR	LEWISVILLE	NC	27023-9823
15078019	168510-45-7613	PRINCE HOLDINGS LLC	951 CRANBERRY DR	LEWISVILLE	NC	27023-9823
15078011	168500-63-4559	ASP SMITHFIELD LLC	309 GALLIMORE DAIRY RD STE 102	GREENSBORO	NC	27409-9316
15079005D	168510-47-8027	HIGHWAY 70 QOZB, L.L.C.	442 1/2 E MAIN ST	CLAYTON	NC	27520-2500
15079006B	168511-57-4009	WARRICK, SUE U	145 LITTLE CREEK CHURCH ROAD	CLAYTON	NC	27520-6833
15079004A	168510-36-9314	WOOD, ANN U.	286 LITTLE CREEK CHURCH RD	CLAYTON	NC	27520-6834
15079006	168511-46-9039	WOOD, ANN U.	286 LITTLE CREEK CHURCH RD	CLAYTON	NC	27520-6834
15079004	168510-36-7544	WOOD, ANN U.	286 LITTLE CREEK CHURCH RD	CLAYTON	NC	27520-6834
15078015	168511-55-6774	BELL, EULA MAE LIFE ESTATE	2437 BARBOUR RD	SMITHFIELD	NC	27577-0000
15079005B	168510-47-1066	SCA VENTURES LLC	132 CITATION LN	SMITHFIELD	NC	27577-0000
15078019D	168500-44-7903	JOHNSON, KIMBERLY GOWER	516 S 4TH ST	SMITHFIELD	NC	27577-4454
15078019F	168500-44-7360	JOHNSON, KIMBERLY GOWER	516 S 4TH ST	SMITHFIELD	NC	27577-4454
15079003	168510-36-3467	JOHNSTON COUNTY AIRPORT AUTH	3146 SWIFT CREEK RD	SMITHFIELD	NC	27577-9803
15079005	168510-36-5188	JOHNSTON COUNTY AIRPORT AUTH	3146 SWIFT CREEK RD	SMITHFIELD	NC	27577-9803
15079003A	168510-35-7869	GOWER, STEVEN HOWARD	1707 WINDSOR RD	KINSTON	NC	28504-0000



## PLANNING DEPARTMENT

Mark E. Helmer, AICP  
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, January 6, 2022 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**RZ-21-06 Wood & Warrick:** The applicants are requesting to rezone three parcels of land totaling approximately 42.1 acres from the R-20A (Residential-Agricultural) and B-3 (Business) zoning districts to the LI (Light Industrial) zoning district. The properties considered for rezoning are located on the northeast side of the intersection Barbour Road and US Hwy 70 West Smithfield. The properties are further identified as Johnston County Tax ID# 15079004, 15079004A and 15079006.

**Town Plan Amendment:** The Town of Smithfield is requesting an amendment to update the Transportation and Growth Management Plan in response to rapid growth in the West Smithfield area.

**ZA-21-08 Regulations for Signs:** The Town of Smithfield is requesting an amendment to Article 10, Part III, Regulations for Signs that will allow additional wall mounted sign opportunities for commercial properties, modifies multitenant monument sign requirements, creates residential subdivision signs requirements and modifies existing text to clarify and eliminate inconsistencies throughout the document.

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 Johnstonian News on December 22, 2021 and December 29, 2021.



# Request for Planning Board Action

**Agenda Item:** Town Plan Amendment  
**Date:** 01/06/2022

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**Subject:** Transportation Plan and Growth Management Plan Amendment

**Department:** Planning

**Presented by:** Stephen Wensman, Planning Director

**Presentation:** Business item

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## Issue Statement

Staff is requesting an amendment to the Town's Transportation Plan and Comprehensive Growth Management Plan, collectively called the Town Plan.

## Financial Impact

None

## Action Needed

To review the proposed Transportation Plan and Comprehensive Growth Management Plan

## Recommendation

Staff recommends the Planning Board recommend approval of the amendments to the Transportation Plan and Comprehensive Growth Management Plan

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Transportation Plan & Comprehensive Growth Management Plan Amendments



# Staff Report

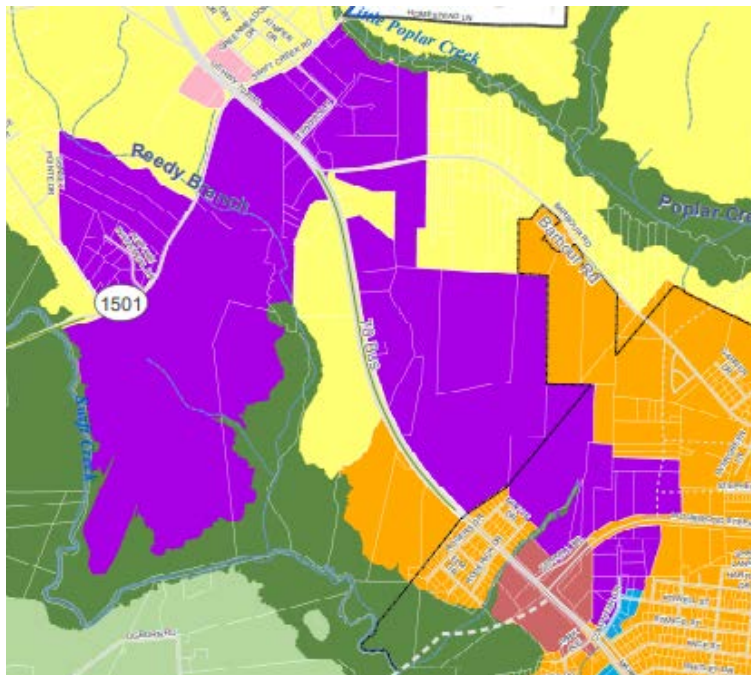
Agenda Town Plan  
Item: Amendment

## INTRODUCTION:

The Town approved the current Town Plan (Transportation Plan and Comprehensive Growth Management plan) on February 4, 2020. Comprehensive Plans are typically long-range planning documents and are typically renewed every ten years. Smithfield has been experiencing unprecedented growth that has rendered portions of the plan in need of an update.

## TOWN PLAN:

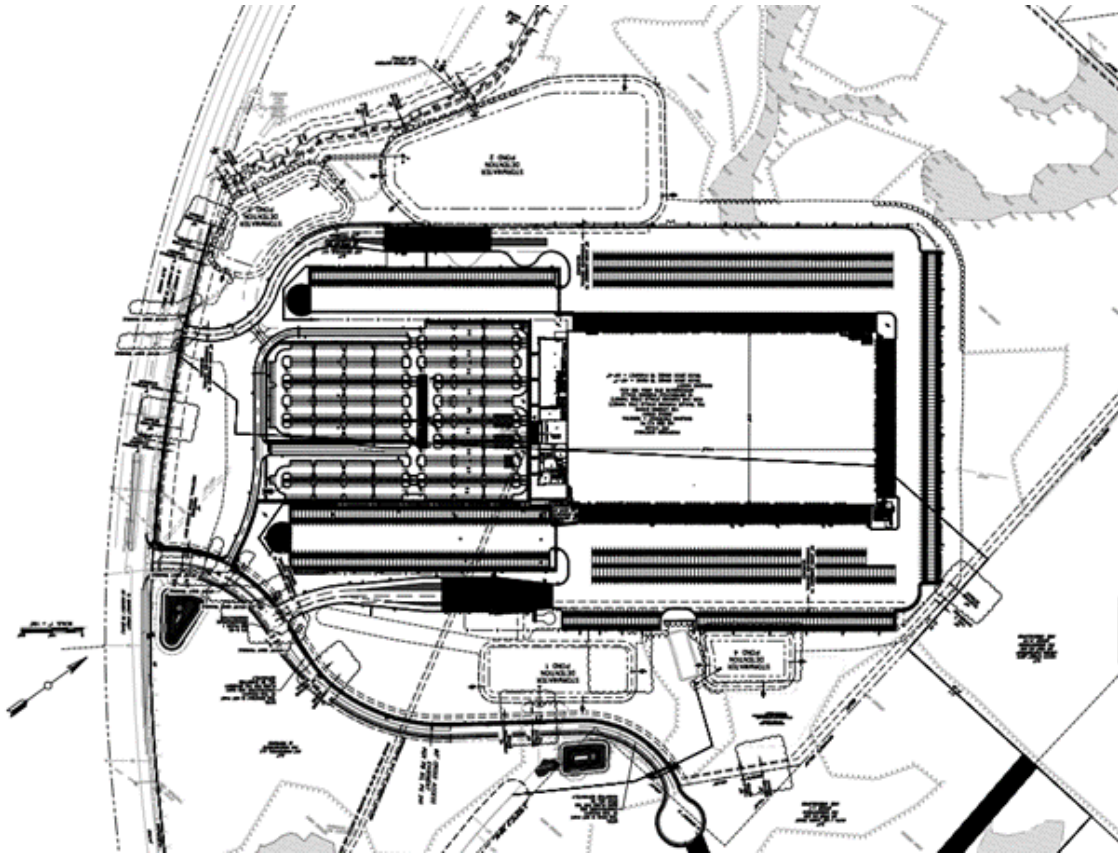
The Town Plan guided approximately 389 acres of land to Industrial/Employment of which nearly all has been rezoned to Light Industrial including the 240-acre planned West Smithfield Business Park (WSBP) (of which 170 is under construction for Amazon) and future industrial road. According to the Town's economic development consultants, additional industrial land is needed and in demand.



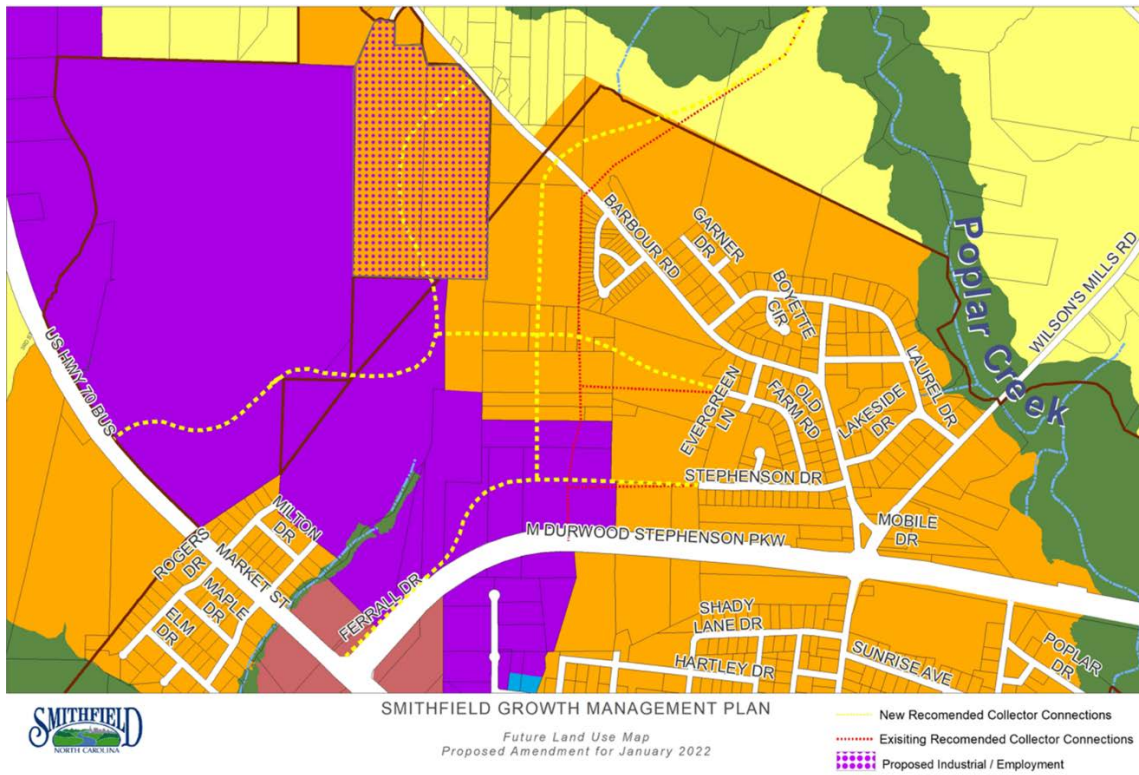
The Town Plan (above) envisioned an industrial park and connectivity through the block of land bordered by US Highway 70 Business, M. Derwood Stephenson Parkway and Barbour Road and a road connection to M. Derwood Stephenson Parkway, but this will not be allowed by NCDOT. The Plan did not anticipate the Amazon site and the proposed WSBP



industrial road (still in the planning stages) which is different than what was envisioned (see image below).



**PROPOSED TOWN PLAN AMENDMENT:**



**Comprehensive Growth Management Plan.** Staff is recommending the Town amend the Comprehensive Growth Management Plan to guide 2 parcels of land, 51.64-acres, (Johnston County Tax IDs 15078199W and 15078199V) for Industrial/Employment. The land is adjacent to the planned WSBP development and would allow for an expansion of the industrial park in the future. The land is relatively flat and open and suitable for industrial development and currently used for agriculture.

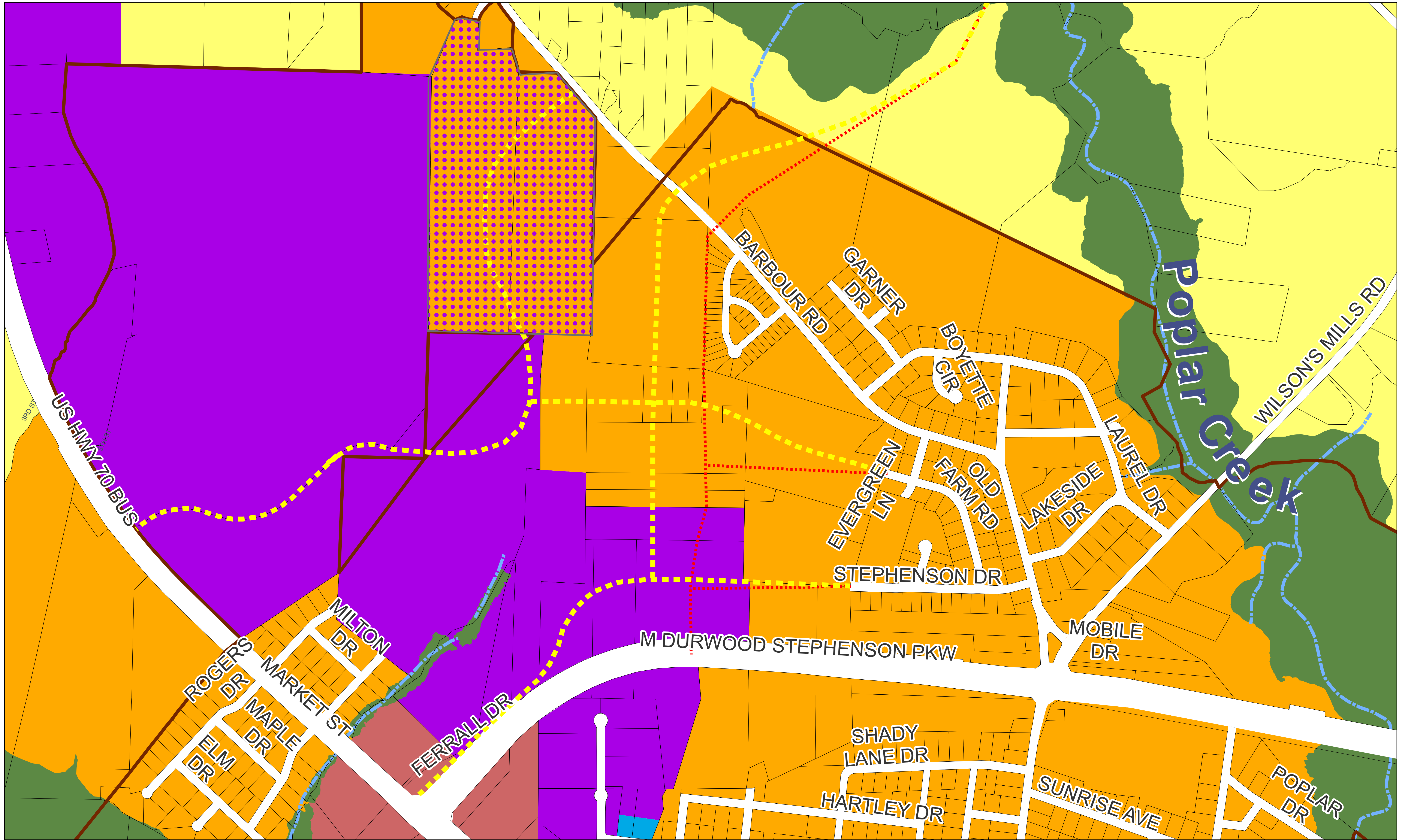
**Transportation Plan.** Staff is recommending the Town amend its Transportation Plan to allow for a future extension of the WSBP road infrastructure through 4 parcels of land (Johnston County Tax IDs 15078011G, 15077033C, 15078199W 15078199V) to prepare for a collector road between US 70 Business West and Barbour Road for future development in the area. The Plan also proposes local connector roads to create a local network of streets.

**RECOMMENDATION:**

Staff recommends the Planning Board recommend approval of the amendments to the Town Plan.

**RECOMMENDED MOTION:**

“move to recommend the Town Council approve the proposed amendments to the Transportation Plan and Comprehensive Growth Management Plan.”



SMITHFIELD GROWTH MANAGEMENT PLAN

Future Land Use Map  
Proposed Amendment for January 2022

- ⋯ New Recommended Collector Connections
- ⋯ Existing Recommended Collector Connections
- Proposed Industrial / Employment





# Request for Planning Board Action

**Consent**  
**Agenda** ZA-21-08  
**Item:**  
**Date:** 01/06/22

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**Subject:** Sign Ordinance Update  
**Department:** Planning Department  
**Presented by:** Stephen Wensman, AICP, Planning Director  
**Presentation:** Business Item

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## Issue Statement

Staff is proposing an amendment to Town of Smithfield Unified Development Ordinance, Article 10, Part III Regulations for Signs.

## Financial Impact

None

## Action Needed

The Planning Board should review and discuss the proposed amendment and make a recommendation to the Town Council.

## Recommendation

Staff recommends the Planning Board recommend approval of ZA-21-08, updating the sign regulations in the UDO.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff report
2. Proposed ordinance.
3. Consistency Statement
4. Application



# Staff Report

Agenda  
Item: ZA-21-08

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## OVERVIEW:

The Town of Smithfield Planning Department is proposing an update to the Sign Code at the request of the Mayor to allow additional wall signs for commercial business. The proposed ordinance provides for additional wall signs and other amendments.

## ANALYSIS:

The proposed text amendment makes the following changes:

- Updates permit requirements including eliminating late fee provision.
- Consolidates regulation for signs into distinct sections, i.e., Pole Sign area calculations have been moved to Section 10.21.1 Computation of Sign Area.
- Provides ground mounted sign dimensional requirements.
- Updates Standards for all Permitted Signs.
- Eliminates contradicting or differing regulations for the same sign.
- Updates and clarifies temporary sign regulations.
- Moves Entry Corridor Overlay District sign regulations into the sign code.
- Updates Permitted District Signs
  - Requires development signs at residential subdivisions (10.21.1.1) as requested by the Planning Department.
  - Allows wall signs on walls fronting on street, public parking area, common parking area in a planned shopping center or a public access walkway at 1 sq. ft. per linear foot of frontage, or 5% of the wall. Eliminates lesser signage for secondary walls.
  - Adds Highrise signs to the Commercial signage tables
  - Eliminates all the footnotes to the Commercial signage tables.
  - Updates Pole Signs regulations to be in conformance with NCDOT regulations.
- Improves order of regulations with signs not requiring permits and exempt signs moved to the end of the ordinance.
- Consolidates all regulations for sign lighting.

## CONSISTENCY STATEMENT (STAFF OPINION):

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.

## RECOMMENDATION:

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-21-08 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 motion:

“move to recommend approval of zoning text amendment, ZA-21-08, 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.”

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD PLANNING BOARD  
ZA-21-08**

**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-21-08 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-21-08 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.

### **PART III. REGULATIONS FOR SIGNS.**

#### **SECTION 10.19 INTENT.**

The intent of this section is, 1) to establish sign standards and restrictions that allow for the legitimate identification of residential, commercial, industrial, and other activities, 2) to provide for the safety of vehicular traffic by limiting visual interference, 3) to facilitate police and fire protection, 4) to protect the general public from injury caused by distracting and improperly placed signs, and 5) to protect property values while at the same time promoting the economic welfare of the Town of Smithfield by encouraging visually appealing and non-distracting forms of information transfer. For definitions relating to this Section refer to Appendix A.

#### **SECTION 10.20 APPLICABILITY. GENERAL PROVISIONS.**

##### ***10.20.1. Administration.***

The Planning Department of the Town of Smithfield shall be responsible for the administration and enforcement of this Section. The Administrator shall administer and enforce the terms and conditions of this Section and all other provisions of laws relating to signs. The duties shall include not only the issuance of permits as required in Section 10.20.2, but also enforcement of the provisions of this Section.

##### ***10.20.2. Permit Requirements.***

***10.20.2.1. General Requirements.*** Except as otherwise provided by this ordinance in Section 10.21 and 10.22, it shall be unlawful to erect, post, hang, paint, repair, replace, change, or maintain any sign without first obtaining a sign permit. Application for the permit shall be made in writing on forms furnished by the Administrator and signed by the applicant or authorized agent. Failure to secure a permit shall constitute a violation of this Section.

***10.20.2.2. Sign Face Alterations.*** No permit shall be required for the maintenance requirements of Section 10.29 (Maintenance) hereinafter.

***10.20.2.3. Plans, Specifications, and Other Data Required.*** The application shall be accompanied by complete information as required on forms provided by the Administrator and shall include, without being limited to, a site plan and elevation drawings of the proposed sign, a drawing of the building facade indicating the proposed location of the sign, height, dimensions and square footage of the proposed sign and any other data as the Administrator may determine is necessary for review of the application. The Administrator shall not issue a sign permit unless the plans, specifications, and intended use of such sign conform in all respects to the applicable provisions of this Article.

***10.20.2.4. Building Permit.*** A building permit must be obtained from the Johnston County Building Inspections Department.

***10.20.2.5. Fees.*** A sign permit fee shall be paid upon the application for a sign permit and prior to commencement of any sign construction on the lot where the sign will be located.



~~The fee~~ to the Town of Smithfield for each sign permit applied for in accordance with this Article in an amount determined by the Town of Smithfield Schedule of Fees ~~and based on the size of the sign~~. This permit fee does not include ~~building~~ electrical permit fees, which shall be additional. ~~A sign permit fee shall not be charged for replacing a nonconforming sign with a conforming sign or for bringing a nonconforming sign into conformance with this Article if such action is undertaken voluntarily within one year of the effective date of this Section.~~

~~**10.20.2.4.2. When Fees Payable.** Sign permit fees shall be paid upon the application for a sign permit and prior to commencement of any sign construction on the lot where the sign will be located.~~

~~**10.20.2.4.3. Late Fee.** Work performed without a permit shall be subject to a late fee as set forth in the Town of Smithfield Schedule of Fees.~~

#### **10.20.2.6. Revocation of Permits for Non-Use.**

**10.20.2.6.1. Commencement of Work.** If actual work for the permitted sign on the site is not commenced within 60 days from the date of such sign permit or if substantial work for the permitted sign is suspended for a period of 60 consecutive days after issuance of the sign permit, the permit shall automatically become null and void. However, for new construction, the sign permit shall not become null and void until 60 days after the Zoning Compliance Release has been issued.

**10.20.2.6.2. Extensions of Time.** The provisions of subsection 10.20.2.6.1 above shall not apply when delays are not a result of willful acts or neglect of the persons obtaining the permit. In that event, the Administrator may grant an extension of time within which operations must be started or resumed. All requests for such extensions and approval thereof shall be in writing.

**10.20.2.7. Forfeiture of Fees.** When any permit has been revoked under the terms of this Section, the permit fees shall not be refunded. If a sign permit is denied, however, the permit fee will be refunded.

**10.20.2.8. Licenses.** No person shall engage in the business of erecting or maintaining signs in the Town of Smithfield unless said person has been issued a sign contractor's license which has not expired at the time said work is done. This requirement shall be interpreted to exclude those persons who construct and erect a principal use identification sign when that sign is used at that person's place of business, provided all construction and installation is properly permitted and inspected for compliance with the applicable building codes of the Town of Smithfield and other parts of this Section.

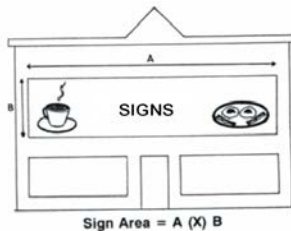
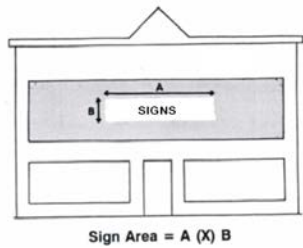
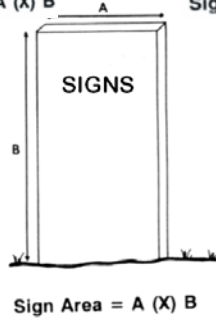
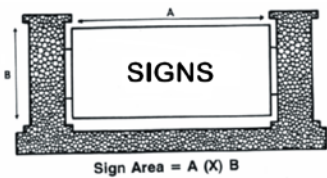
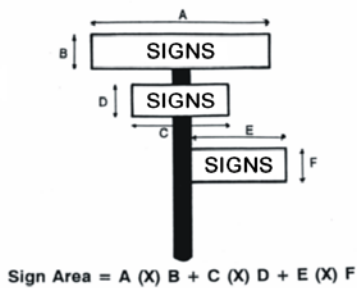
### **SECTION 10.21 SIGN COMPUTATIONS.**

#### **10.21.1 Computation of Sign Area.**

The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle, or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface. In the case of signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs, which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces, is included in computations of area.

In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area is to be computed as part of the total surface area of the sign. Where three dimensional figures are used as or on signs, the area shall be the total of all sides made an integral part of the projected figure used in conveying the intended message. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence on which the sign face or letters are placed shall be calculated in the sign area.

In the case of a multi-faced pole sign, the area of the sign shall be considered to include all faces visible from one direction.



**10.21.2. Monument or Ground Mounted Sign Dimensional Requirements.**

The base of such sign structure shall be on the ground or a maximum of 12 inches above the adjacent grade. The width of the top of the sign structure shall be no greater than 120 percent of the width of the base.



**SECTION 10.22 GENERAL PROVISIONS SPECIFICATIONS FOR SIGNS REQUIRING A PERMIT.**

The following are general specifications applicable to the various signs permitted. Additional specifications regarding size, number, location, and permitted types of signs are set forth in the individual zoning districts.

**10.22.1. Standards Applicable to All Specifications for all Permitted Signs.**

Unless specifically exempted by other sections of the Article, all signs will be required to have proper permits prior to construction or installation. Whether the sign is new, part of new construction, or an existing sign, the following information will be required as part of the permit application.

**10.22.1.1. Location:** Unless specifically provided otherwise elsewhere in this section, all permitted signs shall adhere to the following provisions:

**10.22.1.1.1.** All signs regulated by this ordinance shall be on-premises signs located on private property.

**10.22.1.1.2.** Permitted signs shall always be located outside of the street right-of-way and required sight triangles.

**10.22.1.1.3.** All permitted signs must be placed no closer than 10' from property line, except within the B-1 District where it can be located zero (0) ft. from the front property line/right-of-way

**10.22.1.1.4.** Permitted signage shall be located behind sidewalk areas except where encroachments are permitted as outlined in 10.22.1.2 below.

**10.22.1.1.5.** No new freestanding sign shall be placed within 20 feet of an existing freestanding sign on an adjoining lot.

**10.22.1.1.6.** All signs must maintain a 10 foot setback from the public right-of-way except within the B-1 zoning district or if otherwise specified herein.

**10.22.1.2. Sign Encroachments.** No portion of any sign shall encroach into or over a public right-of-way except awning signs, projecting/suspended signs and marquee signs within the B-1 District and may project over the sidewalk to within 3-feet of the curbline provided that such signs shall maintain a minimum clearance of 9 feet above the sidewalk.

**10.22.1.3. Discontinued Signs.** Upon the discontinuance of a business or occupancy of an establishment for a consecutive period of one hundred eighty (180) days, the UDO Administrator shall require the removal of any nonconforming sign(s) advertising or identifying the establishment. The UDO Administrator shall give thirty (30) days' notice to the property owner to remove the sign(s). Failure to remove the sign(s) within the thirty-day period shall constitute a violation of this Article and shall be remedied in accordance with the provisions of Section 1.8

~~A detailed description of any new sign for which a permit is requested. This will include, but not necessarily be limited to, a detailed drawing of the sign showing size, height, and site location relative to property lines and street right-of-way.~~

~~10.22.1.2. Existing signs must meet the requirements of Article 10, Part III, if, for any reason, the sign is to be changed or altered. Normal copy changes and routine maintenance matters are exceptions to this requirement.~~

~~10.22.1.3. Prior to issuance of a sign permit, all fees in accordance with the associated fee schedule shall be paid.~~

~~10.22.1.4. Upon notification of completion by the permit holder, the UDO Administrator shall inspect the sign to verify conformance with applicable codes.~~

## **10.22.2. Wall Signs.**

**10.22.2.1.** No wall sign shall project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window, nor shall it extend on the roofline, parapet, or mansard roof.

**10.22.2.2.** Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself. ~~In no instance shall a canopy or awning sign extend into a street right-of-way.~~

**10.22.2.3.** No wall sign shall be attached to any cupola, tower, or other architectural feature that is above the roofline.

~~10.22.2.4. Sign area may not exceed 200 square feet on any building wall.~~

## **10.22.3. Projecting Signs.**

### **10.22.3.1. All Projecting Signs.**

**10.22.3.1.1.** A projecting sign will not project more than four (4) feet from a building wall

**10.22.3.1.2.** A projecting sign will not extend vertically above the roofline or parapet of a building.

**10.22.3.1.3.** The sign shall be a minimum of nine (9) feet from the bottom of the sign above the finished grade.

~~**10.22.3.2. Projecting Signs for Major Site Plans.** Projecting signs may be permitted for individual tenants of a major site plan without altering detached sign provisions. Such sign shall be permitted provided:~~

~~**10.22.3.2.1.** Subject to the same provisions of 10.22.3.1.1 through 10.22.3.1.3, above.~~

~~**10.22.3.2.2.** The sign shall not project more than four (4) feet, but in no case shall be closer than 3 feet to pavement of adjoining street(s).~~

**10.22.3.1.4.** The maximum area for the projecting signs for Major Site Plans shall be calculated as though it was a wall sign. The maximum area of a projecting sign shall be seventy-five (75) feet and there shall be no more than one projecting sign per business entrance.

~~**10.22.3.2.4.** No more than one projecting sign per business entrance.~~

**10.22.4. Signs for Identification of Manufactured Home Parks.**

Permanent identification sign(s) shall be required for every manufactured home park. The size of the signs shall be as follows: Not more than two signs with a total maximum area of 48 square feet and a total minimum area of 12 square feet. Signs must be located on the park property within 50 feet of the entrance and at least 10 feet off the front property line. ~~Signs must be located a minimum of five feet from any side property lines. Only indirect non-flashing lighting may be used for illumination, and the sign must be constructed in such a manner as to prevent a direct view of the light source from any public road right-of-way.~~

**10.22.5. Temporary Use Signs.**

A zoning permit for a temporary use may also authorize one temporary sign, not to exceed 40 ~~32~~ square feet in sign surface area, associated with the temporary use. ~~Such temporary sign shall conform to the requirements of Article 10, Part III.~~

**10.22.6. Electronic Messaging Signs.** Electronic message boards and kinetic sign lighted display areas shall not exceed thirty (30) square feet.

**10.22.7. Signs in the Entry Corridor Overlay District.** Signs within the Entry Corridor Overlay District shall comply with all sign regulations in Article 10 Part III except as modified in Article 10, Part IX Overlay Districts.

**10.22.8. Wireless Communication Facility Signage.** Refer to Article 10, Part VIII for requirements regarding wireless communication facilities.

**SECTION 10.23 SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS.**

**10.23.1.** Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.

**10.23.2.** No sign within 150 feet of a Residential-Agricultural (R-20) or Residential (R-9, R-7, R-6, R-6MF, R 6MH) Zoning District may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

**10.23.3.** Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

~~**10.23.4.** Electronic message boards and kinetic sign lighted display areas shall not exceed thirty (30) square feet.~~

**10.23.4.** Subject to Subsection **10.22.6**, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, or weather conditions.

**10.23.5.** Subsections **10.22.1** and **10.22.5** do not apply to temporary signs or decorations erected or installed in connection with observance of holidays.

**SECTION 10.24 PERMITTED DISTRICT SIGNS.** (Note: Refer to Appendix A, Definitions for graphic examples of signs.)

**10.24.1 Residential District Signs (R-6, R-8, R-10, R-20A, R-MH, PUD and Residential Conditional Zoning)**

~~**10.24.1.1 Required Signs.** Residential districts contain developments that may require signage. Such developments include, but are not limited to: Single Family Subdivisions, Multi-Family Developments, Manufactured Home Parks, Permitted Nonresidential Uses, and Recreational Facilities. At any entrance to a residential subdivision or multi-family development, there may shall be signs at primary entrances to the development identifying the development, not have more than two (2) signs located at the entrance to a development comprised of two (2) or more lots. The sign area of a single side of any such sign may not exceed sixteen (16) square feet in area, and the surface sign area of all such signs shall not exceed thirty-two (32) square feet in area.~~

~~**10.24.1.2. Home Occupation Signs.** Additionally, home Home occupations with a valid zoning permit may install are permitted one sign with an area of no greater than four (4) square feet. Home occupation signage shall be permanently fixed to the residence within which the home occupation resides.~~

~~**10.24.1.3. Non-residential Uses in Residential Districts.** For residentially zoned permitted nonresidential uses: Non-residential uses with a valid zoning permit may have one (1) freestanding sign or one (1) wall sign per zoning lot of no more than 32 square feet in area, with a maximum height of six (6) eight (8) feet if ground mounted or no higher than the roof line if wall mounted.~~

**10.24.2. Single Tenant Business District Signs When Site Plan is Not Required (O/I, B-1, B-2, and B-3 and Business Conditional Zoning).**

Permitted Sign Type(s)	Specific Applicability	Maximum Area <sup>1</sup>	Maximum Height	Maximum Number
<b>BUILDING MOUNTED</b>				
Wall <sup>2</sup>	Front facades  <u>Frontage on street, public parking area, common parking area in a planned shopping center or a public access walkway.</u>	1 sq. ft. for each linear foot of wall frontage or 5% of wall whichever is greater	N/A	N/A <u>4</u>
Wall <sup>2</sup>	Secondary to primary signage	1/2 sq. ft. for each linear foot of building facing side street,	N/A	2
Small Wall Signage	Home occupation (O/I only)	4 sq. ft.	5 ft	1
Window	Businesses	25% of first floor total building front facade window and/or door area	N/A	N/A
Projecting <sup>3,4</sup>	Businesses (excluding home occupations)	12 sq. ft. (total of 24 sq. ft.)	8 ft	1
Canopy or Awning <sup>3,4</sup>	Businesses (excluding home occupations)	Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	1
<b>FREESTANDING</b>				
Monument or Ground Mounted <sup>5</sup>	Nonresidential	Primary street: 75 sq. ft. Secondary street: 40 <u>75</u> sq. ft.	6 ft	4 <u>2</u>
High-Rise	<u>B-3 District within 660' of Interstate 95 (See Section (10.23.9))</u>	<u>400 per side</u>	<u>50 ft min.- 100 ft max.</u>	<u>1</u>
Pole <sup>5</sup>	(Refer to Section 10.23.6 and 10.23.8)	300 sq. ft.		
Temporary <sup>6</sup>		8 sq. ft.	6 ft	1

<sup>1</sup>Combined square footage of all signs shall not exceed 200 square feet. Only one side of a double frontage sign shall be used to calculate the sign's square footage.

<sup>2</sup>Wall signs may project a maximum of 12" from the wall to which it is mounted.

<sup>3</sup>Sign may not protrude above soffit, parapet, eave line, or third story of the building to which it is attached.

<sup>4</sup>Minimum 9 feet above ground; no portion of the sign may extend within 3 feet of street pavement.

<sup>5</sup>Sign must be placed no closer than 10' from property line, except within the B-1 District where it can be located zero (0) ft. from the front property line/right-of-way. One ground mounted or monument sign or pole sign is permitted provided the area of said sign and wall signage on the front of building, combined, shall not exceed square footage as defined above for the front facade only. In the event of a double-sided sign, only one side shall be used to figure the square footage. For property adjacent to I-95, refer to Sections 10.23.6-10 to 10.23.8-14. If located on public right-of-way, approval of the Town of Smithfield or NCDOT is required, as appropriate.

<sup>6</sup>The temporary sign may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated. Miscellaneous temporary use signs not tied or connected to a specific event may be displayed for up to sixty (60) calendar days without a zoning permit. Display for longer than 60 days will require issuance of a zoning permit.

**10.24.3. Industrial District Signs (LI and HI).**

Permitted Sign Type(s)	Specific Applicability	Maximum Area <sup>1</sup>	Maximum Height	Maximum Number
<b>BUILDING MOUNTED</b>				
Wall <sup>2</sup>	<u>Front facades, Frontage on street, public parking area, common parking area in a planned shopping center or a public access walkway.</u>	4.5 <u>1</u> sq. ft. for each linear foot of wall frontage <u>or</u> 5% of wall whichever is greater	N/A	N/A 4
Wall <sup>2</sup>	Secondary to primary signage	1 sq. ft. for each linear foot of building facing side street	N/A	N/A
Window	Businesses	25% of first floor total building front facade window and/or door area	N/A	N/A
Projecting <sup>3,4</sup>	Businesses (excluding home occupations)	12 sq. ft. (total of 24 sq. ft.)	8 ft	1
Canopy or Awning <sup>3,4</sup>	Businesses (excluding home occupations)	Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	1
<b>FREESTANDING</b>				
Monument or Ground Mounted <sup>5</sup>	Nonresidential	100 sq. ft.	6 ft	1
Pole <sup>5</sup>	For signs in the HI district. (refer to Section 10.23.6 and 10.23.7)	300 sq. ft.	(See Section 10.23.7)	
Temporary <sup>6</sup>		8 sq. ft.	6 ft	4

<sup>1</sup>Combined square footage of all signs shall not exceed 200 square feet. Only one side of a double frontage sign shall be used to calculate the sign's square footage.

<sup>2</sup>Wall signs may project a maximum of 12" from the wall to which it is mounted.

<sup>3</sup>Sign may not protrude above soffit, parapet, eave line, or third story of the building to which it is attached.

<sup>4</sup>Minimum 9 feet above ground; no portion of the sign may extend within 3 feet of street pavement.

<sup>5</sup>Sign must be placed no closer than 10' from property line. One ground mounted or monument sign or pole sign is permitted provided the area of said sign and wall signage on the front of building, combined, shall not exceed square footage as defined above for the front facade only. In the event of a double-sided sign, only one side shall be used to figure the square footage. For property adjacent to I-95, refer to Sections 10.23.6-10. to 10.23.8-14.

<sup>6</sup>The temporary sign may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated. Miscellaneous temporary use signs not tied or connected to a specific event may be displayed for up to sixty (60) calendar days without a zoning permit. Display for longer than 60 days will require issuance of a zoning permit.

**10.24.4. ~~Multi-tenant Business District Signs Commercial Major Site Plans and Developments (O/I, B-1, B-2, and B-3)~~**

Number of Outlets	Specific Applicability	Maximum Area	Maximum Height	Maximum Number



FREESTANDING				
Up to six outlets	Businesses	125 sq. ft.	15 ft	1 per street frontage
7-14 outlets	Businesses	150 sq. ft.	15 ft	1 per street frontage
15 or more outlets	Businesses	200 sq. ft.	15 ft	1 per street frontage
Temporary <sup>4</sup>		8 sq. ft.	8 ft	1
OUT PARCELS				
	Monument or ground mounted sign <sup>2</sup>	75 sq. ft.	6 ft	1 per out parcel

<sup>1</sup>The temporary sign may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated. Miscellaneous temporary use signs not tied or connected to a specific event may be displayed for up to sixty (60) calendar days without a zoning permit. Display for longer than 60 days will require issuance of a zoning permit.

<sup>2</sup>Sign must be placed no closer than 10' from property line. One ground-mounted or monument sign is permitted provided the area of said sign and wall signage on the front of building, combined, shall not exceed square footage as defined above for the front facade only. In the event of a double-sided sign, only one side shall be used to figure the square footage. For property adjacent to I-95, refer to Sections 10.23.6 10. to 10.23.8.14.

Permitted Sign Type(s)	Specific Applicability	Maximum Area <sup>1</sup>	Maximum Height	Maximum Number
BUILDING MOUNTED				
Wall <sup>2</sup>	Front facades	1 sq. ft. for each linear foot of wall frontage or 5% of wall whichever is greater	N/A	N/A
Wall <sup>2</sup>	Secondary to primary signage	1/2 sq. ft. for each linear foot of building facing side street and/or interior area of a planned building group	N/A	N/A
Window	Businesses	25% of first floor total building front facade window and/or door area	N/A	N/A
Projecting <sup>3,4</sup>	Businesses (excluding home occupations)	12 sq. ft. (total of 24 sq. ft.)	8 ft	1
Canopy or Awning <sup>3,4</sup>	Businesses (excluding home occupations)	Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	1

<sup>1</sup>Combined square footage of all signs shall not exceed 400 square feet. Only one side of a double frontage sign shall be used to calculate the sign's square footage.

<sup>2</sup>Wall signs may project a maximum of 12" from the wall to which it is mounted.

<sup>3</sup>Sign may not protrude above soffit, parapet, eave line, or third story of the building to which it is attached.

<sup>4</sup>Minimum 9 feet above ground; no portion of the sign may extend within 3 feet of street pavement.

**SECTION 10.25 SUPPLEMENTAL SIGN STANDARDS FOR THE O/I, B-1, B-2, B-3, AND PUD DISTRICTS.**

Sign standards for specific business operations are in addition to the general standards outlined in this Article and recognize the different types of traffic, use and need of signs for the assistance of the traveling public and the prosperity of business owners and employees through the attraction, retention, and furtherance of commerce throughout the town. Establishments in the six listed zoning districts may avail themselves of the maximum signage allowable under Section 10.23 and additionally may supplement such maximum via the standards of this subsection.

***10.25.1. Sandwich Board Sign.***

~~Limited to one sign per business, except restaurants and prepared food service establishments may have two (2) sandwich board signs. Signs shall be limited to a maximum height of four (4) feet and a maximum length of three (3) feet. Folding and double-faced signs shall be considered one (1) sign. Sandwich board signs shall not be located on any public right-of-way, except that where the edge of the right-of-way is the face of the building and where such building abuts a public sidewalk, such signage may be allowed as a right of way encroachment. Sign placement shall not impede movement on the sidewalk. Restaurants and prepared food service establishments may have two (2) sandwich board signs. Such signs are exempt from permit requirements.~~

***10.25.2. Temporary Sign.***

For no more than forty (40) days annually, a temporary sign or banner signs may be placed by a business on premises with the issuance of a sign permit.

***10.25.2.1. Sale/Event/Holiday Signs and Banners.***

Limited to one sign or banner per business. Banners shall be limited to a maximum height of six (6) feet and a maximum length of ten (10) feet. Temporary Signs or banners shall have a sign area of no greater than 32 sq. ft. Banners shall contain the imprint or logo of the business in which the banner is intended. No additional logos, joint advertising or insignia shall be permitted.

***10.25.2.2. Sale/Event/Holiday Signs.***

~~For no more than forty (40) days annually, special signage for sales/events/holidays may be placed by a business on premises with the issuance of a permit. Such signs shall be of one of the categories above with the following supplemental standard: for each item in this subsection 10.25.4, the quantity of signs may be double.~~

**SECTION 10.25 HIGH-RISE BUSINESS IDENTIFICATION SIGNS (SINGLE TENANT).**

High-rise business identification signs may be permitted as a use by right for single tenant developments when located in the B-3 (Highway Entrance Business) zoning district and located within 660 feet of Interstate 95. A zoning permit may be granted providing the following minimum standards are met.

**10.25.1.** High-rise signs shall only advertise activities conducted on the property upon which it is located.

**10.25.2.** Maximum sign height shall not exceed a total height of 100 feet and shall be a minimum total height of at least 50 feet.

**10.25.3.** Maximum sign area shall not exceed 400 square feet of sign area per side.

**10.25.4.** No part of a high-rise sign shall be closer than 10 feet to a property line.

**10.25.5.** High-rise signs shall be free standing, ground mounted and of mono-pole design.

**10.25.6.** Only one high-rise identification sign may be permitted per property and is in addition to all other allowable signs.

## **SECTION 10.26 POLE SIGNS (OUTDOOR ADVERTISING)**

### **10.26.1. General Provisions for Pole Signs.**

Following the effective date of this Ordinance, pole signs shall not be erected, or maintained in any zoning district except in compliance with the provisions set forth in this Section.

~~**10.26.6.1. Computation of Sign Area.** The area of the sign shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight straight lines) which encompasses all lettering, wording, frame, design, or symbols, together with any background on which the sign is located and any illuminated part of the sign, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Any cutouts or extensions shall be included in the area of a sign but supports and bracing which are not intended as part of the sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.~~

~~Where three-dimensional figures are used as or on signs, the area shall be the total of all sides made an integral part of the projected figure used in conveying the intended message.~~

~~**10.26.6.2. Encroachment into the Right-of-Way.** No part of any pole sign shall be located on or extended into a public right-of-way.~~

Commented [SW1]: redundant

~~**10.26.6.3. Illumination.** Sign illumination shall be in accordance with Section **10.23** Illuminated signs shall be subject to the following conditions: a) Any light used for the illumination shall be shielded so that the beams or rays of light will not shine directly into surrounding areas or on the public roadway; and b) Neither direct nor reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.~~

~~**10.26.9.4. Visibility.** No sign or structure shall be erected or maintained to impede safe and adequate visibility from vehicles or for pedestrians.~~

Commented [SW2]: redundant

~~**10.26.9.5. Extensions.** No extension(s) shall be allowed beyond those dimensions for the sign area as initially permitted.~~

**10.26.1.1 Stacking.** Stacking of pole signs is not permitted.

**10.26.1.2 Pole Sign, LED (Light Emitting Diodes).** Pole signs utilizing The use of LED or other similar technologies on pole signs shall be a permitted use by right in all zoning

districts when adjacent to I-95. A zoning permit may be granted provided the following minimum standards are met.

**10.26.1.2.1.** The property on which the sign is to be located must be adjacent to I-95.

**10.26.1.2.2.** The sign cannot be located within six hundred sixty (660) feet of the edge of the right-of-way of I-95.

**10.26.1.2.3.** The sign shall comply with all regulations of the North Carolina Department of Transportation and with the North Carolina General Statutes.

**10.26.1.2.4.** No two (2) such LED pole signs shall be placed less than two thousand five hundred (2,500) feet apart; however, an LED pole sign may be allowed within five hundred (500) feet of a non-LED pole sign. Distance shall be measured as specified in North Carolina Administrative Code T19A:023.0200.

**10.26.1.2.5.** The sign shall be of monopole design and placed on the site so as to be viewed only from the corridor in which it is permitted.

**10.26.1.2.6.** Pole signs may not change content more than one (1) time within a thirty second period and the change must occur within a two (2) second period. All LED pole signs must be equipped to automatically turn off in case of malfunction.

**10.26.1.2.7.** No pole sign can project over any public right-of-way.

**10.26.2. Pole Signs in the HI District on Property Adjacent to I-95.**

Following the effective date of this Ordinance, pole signs shall not be erected, or maintained in any zoning district except in compliance with the provisions set forth in this Section. The following sign regulations shall be applicable within the HI district on properties adjacent to the I-95 corridor wherein pole signs are allowed. Any sign not specifically allowed is prohibited.

In the HI zoning district, pole signs are allowed subject to the restrictions set forth herein.

**10.26.2.1. Size.** No pole sign shall exceed 300 square feet per directional flow of traffic (300 square feet total per sign structure). A maximum of two faces per sign structure is allowed, positioned either back to back or v-shaped, such that only two faces are allowed per side. Both sides of a double-faced or v-shaped sign shall be of equal size. In no case shall there be more than two faces per directional flow of traffic.

**10.26.2.2. Location.** ~~No pole sign shall be closer than five hundred (500) feet to the I-95 right-of-way.~~ The property on which the sign is to be located must be adjacent to I-95.

**10.26.2.3. Height.** No pole sign located beyond 660 feet of the right-of-way of the I-95 corridor shall exceed 100 feet. Within 660 feet of the I-95 corridor and in the area between the I-95 and the CSX rights-of-way, the maximum sign height shall be 25 feet.

**10.26.2.4. Spacing.**

**10.26.2.4.1.** The minimum distance between any two sign structures shall be 1,000 linear feet on either side of the same street.

**10.26.2.4.2.** No pole sign shall be located within a 200-foot radius of a school, place of worship, public park, national park, and/or forestland(s) or bridge.

**10.26.2.4.3.** Except for pole signs permitted in Section 10.23.8, no pole sign shall be located within 75 feet of any intersection.

**10.26.2.4.4.** Except for pole signs permitted in Section 10.23.8, no pole sign shall be located within a 100-foot radius of residentially zoned property.

**10.26.2.4.5.** No pole sign shall be located within 50 feet of any building or on-premises sign.

**10.26.2.5. *Setback.*** Minimum setbacks ~~from public right-of-way: distances shall be as follows:~~

**10.26.2.5.1.** For sign area of 0 to 75 square feet per face - 10 feet.

**10.26.2.5.2.** For sign area of 76 to ~~150~~ 300 square feet per face - 20 feet.

For all sign sizes, the minimum setback distances from all other property lines shall be ten feet.

**10.26.2.6. *Pole Signs Per Parcel.*** There may not be more than two pole sign per parcel.

### **10.26.3. *Pole Signs on Non-Industrial Commercial Property Adjacent to the I-95 Corridor.***

**10.26.3.1. *Size.*** No pole sign shall exceed 300 square feet per directional flow of traffic (300 square feet total per sign structure). A maximum of two faces per sign structure is allowed, positioned either back to back or v-shaped, such that only two faces are allowed per side. Both sides of a double-faced or v-shaped sign shall be of equal size. In no case shall there be more than two faces per directional flow of traffic.

**10.26.3.2. *Pole Signs, Non-LED.*** Pole signs shall be a permitted use by right in all zoning districts when located on property adjacent to I-95. A zoning permit may be granted provided the following minimum standards are met.

**10.26.3.2.1.** The property on which the sign is to be located must be adjacent to I-95.

**10.26.3.2.2.** The sign cannot be located within six hundred sixty (660) feet of the edge of the right-of-way of I-95.

**10.26.3.2.3.** The sign shall comply with all regulations of the North Carolina Department of Transportation and with the North Carolina General Statutes.

**10.26.3.2.4.** No two (2) such structures shall be placed less than two thousand five hundred (2,500) feet apart. Distance shall be measured ~~as specified in North Carolina Administrative Code T19A:023.0200.~~ from centerpoint to centerpoint.

**10.26.3.2.5.** The sign shall be of monopole design and placed on the site so as to be viewed only from the corridor in which it is permitted. Sign height may not exceed one hundred (100) feet. The bottom of the sign must be at least fifty (50) feet above the base of the pole on which the sign is mounted.

~~**10.25.13.3. Pole Sign, LED (Light Emitting Diodes).** Pole signs utilizing LED or other similar technologies shall be a permitted use by right in all zoning districts when adjacent to I-95. A zoning permit may be granted provided the following minimum standards are met.~~

~~**10.25.13.3.1.** The property on which the sign is to be located must be adjacent to I-95.~~

~~**10.25.13.3.2.** The sign cannot be located within six hundred sixty (660) feet of the edge of the right-of-way of I-95.~~

~~**10.25.13.3.3.** The sign shall comply with all regulations of the North Carolina Department of Transportation and with the North Carolina General Statutes.~~

~~**10.25.13.3.4.** No two (2) such LED pole signs shall be placed less than two thousand five hundred (2,500) feet apart; however, an LED pole sign may be allowed within five hundred (500) feet of a non-LED pole sign. Distance shall be measured as specified in North Carolina Administrative Code T19A:023.0200.~~

~~**10.25.13.3.5.** The sign shall be of monopole design and placed on the site so as to be viewed only from the corridor in which it is permitted.~~

~~**10.25.13.3.6.** Pole signs may not change content more than one (1) time within a thirty second period and the change must occur within a two (2) second period. All LED pole signs must be equipped to automatically turn off in case of malfunction.~~

~~**10.24.13.3.7.** No pole sign can project over any public right-of-way.~~

## **SECTION 10.27 SIGNS NOT REQUIRING A PERMIT.**

Signs listed in this section are exempt from the permit requirements of Section 10.26 and may be erected in any zoning district provided they comply with the conditions described herein.

### ***10.27.1. Incidental Informational.***

A sign, generally informational, that has a purpose to the use of the subject property on which it is located, such as “no parking,” “entrance,” “loading only,” and other similar directives.

### ***10.27.2. Flags.***

Flags on a single, straight flagpole provided that:

***10.27.2.1.*** The flagpole is attached to the ground, building, or other object at only one end; it may not be attached to another pole;

***10.27.2.2.*** Flags are not hung or stretched between two (2) poles or a pole and another object or the ground;

***10.27.2.3.*** Flags are attached to the pole (or rope) on one (1) side only and are not weighted on an unattached side;

***10.27.2.4.*** Flags hung from a horizontal or nearly horizontal, pole and displayed against, or nearly against, a wall, fence, or similar structure are prohibited (this applies only to flags permitted by this section);

***10.27.2.5.*** More than one (1) flag may fly on a single pole;

***10.27.2.6.*** The flags are not flutter flags; and

***10.27.2.7.*** All applicable requirements of Article 10, Part III are complied with.

### ***10.27.3. Temporary Signs on Residential Lots.***

Any ground/freestanding sign containing any lawful noncommercial message on a residential lot may be erected subject to the following:

***10.27.3.1. Maximum Number.*** One (1) sign per 100 feet or fraction thereof, of lot frontage of all adjacent public streets with a maximum of 3 signs per lot.

***10.27.3.2. Size:*** Each sign shall not exceed 4 square feet in area, and 3 feet in height.



10.27.3.3. **Maximum Duration:** A temporary sign may be displayed up to 15 days prior to and 15 days following a specific event with which the sign is associated. Miscellaneous temporary use signs not tied to or connected to a specific event may be displayed for up to 60 calendar days without a sign permit.

10.27.3.4. **Location.** Temporary signs are not permitted in the public right-of-way. No off-premises commercial signage permitted.

Certain temporary signs in residential districts shall be in accordance with Section 10.24.1 shall be exempt from permit requirements. A banner, pennant, poster, or display constructed of paper, cloth, canvas, plastic sheet, cardboard, wall board, plywood, or other like materials, and that appears to be intended or determined by the UDO Administrator to be displayed for a limited period of time. See Sections 10.24.1 to 10.24.4 which include temporary signs requiring a permit.

10.27.4. **Temporary Event Sign in O/I, B-1, B-2, B-3, PUD, LI, and HI Districts.** One temporary sign may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated, and no more than 60 calendar days per year. Such signs shall not exceed 32 square feet in area, six (6) feet in height and shall be located on the premise, set back 10' or more from any property line (Except in the B-1 District, such signs can be located at the property line).

10.27.5. **Off Premise Temporary Event Signs** are permitted in Commercial Districts associated with Town sponsored events. Such signs may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated. Such signs shall not exceed 32 square feet in area, six (6) feet in height and located on public or private property, but not within the public right-of-way.

**10.27.6 ~~10.25.1~~ Commercial Sandwich Board Sign.**

Limited to one sign per business, except restaurants and prepared food service establishments may have two (2) sandwich board signs. Signs shall be limited to a maximum height of four (4) feet and a maximum length of three (3) feet. Folding and double-faced signs shall be considered one (1) sign. Sandwich board signs shall not be located on any public right-of-way, except that where the edge of the right-of-way is the face of the building and where such building abuts a public sidewalk, such signage may be allowed as a right-of-way encroachment. Sign placement shall not impede movement on the sidewalk. ~~Restaurants and prepared food service establishments may have two (2) sandwich board signs.~~

**10.27.7 Construction Signs.**

An on-site temporary sign identifying the names of the individuals and/or firms connected with the construction of an active project. Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed,

whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the Town may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this subsection may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

**10.27.8. Miscellaneous Exemptions.**

**10.27.8.1.** Handicapped parking space signs: signs associated with the operation of equipment or other functional elements such as menu boards, automatic teller machines, gas pumps, vending machines, scoreboards, and similar incidental signs; signs visible only from the premises, markers which are non-commercial in nature.

**10.27.8.2.** Memorial signs, plaques or grave markers.

**10.27.8.3.** On-premises directional and instruction signs not exceeding four (4) square feet in area apiece.

**10.27.8.4.** Signs located within the interior of a business or operation.

**10.27.8.5.** Public interest signs (i.e., historical markers).

**10.27.8.6.** Identification signs not exceeding three (3) square feet in area (one only per premises).

**10.27.8.7.** Address and name signs. Signs or plates on residential structures giving the name and/or address of the occupant.

**10.27.8.8.** Integral decorative or architectural features of buildings or works of arts, provided such features or works of art do not contain advertisements, trademarks, moving parts, or lights.

**10.27.8.9.** Displays, including lighting, erected in connection with the observance of holidays. Such displays shall not be considered as illuminated signs and they shall be removed within ten (10) days following the holiday.

**10.27.8.10.** Political signs erected in accordance with NC General Statutes §136-32 as follows:

**10.27.8.10.1.** During the period beginning on the 30<sup>th</sup> day before the beginning date of "one stop" early voting under NC General Statutes §163-227.2 and ending on the 10<sup>th</sup> day after the primary or election day, person may place political signs

in the right-of-way of the State highway system or Town street as provided in this section. Signs must be placed in compliance with subsection 10.26.5.10.2 below and removed by the end of the period prescribed herein.

**10.27.8.10.2.** The permittee must obtain the permission of the property owner of a residence, business or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

**10.27.8.10.2.1.** No sign shall be permitted in the right-of-way of a fully controlled access highway.

**10.27.8.10.2.2.** No sign shall be closer than three (3) feet from the edge of the pavement of the road.

**10.27.8.10.2.3.** No sign shall obscure motorist visibility at an intersection.

**10.27.8.10.2.4.** No sign shall be larger than 864 square inches.

**10.27.8.10.2.5.** No sign shall obscure or replace another sign.

**10.27.8.11.** ID plaques of no more than four (4) square feet per business or tenant in non-residential zoning districts and signs of no more than two (2) square feet in area in residential zoning districts, including signs bearing only property identification numbers and names, post office box numbers of occupants of the premises, or other identification of premises so that public safety agencies can easily identify the property from a public street. In cases where the building is not located within view of the public street, the identifier shall be located on a mailbox or other suitable device visible from the street. Such signs shall not be illuminated. The size and location of the identifying numerals and letters (if any) must be proportional to the size of the building and the distance from the street to the building.

**10.27.8.12.** Ornamental signs not exceeding six (6) square feet are permitted in the B-2, B-3, L-I, and H-I zoning districts displayed on/attached to light poles located at least fifteen (15) feet from any public right-of-way.

**10.27.8.13. Governmental Signs.** Any sign, symbol or device erected and maintained by a federal state, county, or municipal government or any such governmental agency in the performance of their duties such as regulatory signs, identification/directional signs, welcome signs, legal notice signs and traffic control signs.

**10.27.8.14. Property offered for Sale, Lease or Rent.**

**10.27.8.14.1. Individual Lots For Sale, Lease, or Rent**

**10.27.8.14.1. Surface Area:** Such signs may be no greater than 12 square feet in area.

**10.27.8.14.2. Maximum Number:** One sign is permitted for each street front on each lot.

**10.27.8.14.3. Maximum Duration:** Signs allowed under this section shall be removed within 7 days after the closing of the sale, rental or lease of the property.

**10.27.8.14.4. Location:** Such signs shall only be located on the property for sale, lease, or rent.

**10.27.8.14.2. Additional Subdivision Signage for New Developments**

**10.27.8.14.2.1. Surface Area:** Such signs may be no greater than 50 square feet in area and 10 feet in height.

**10.27.8.14.2.2. Maximum Number:** One sign is permitted for each entrance to the subdivision.

**10.27.8.14.3. Maximum Duration:** Such signs shall be removed when 85% of the lots have been sold or within 5 years of erection, whichever is less.

**10.27.8.13. Johnston County Community College Signs.** Such signs shall be setback 10 feet from public right-of-way.

**SECTION 10.28 PROHIBITED SIGNS.**

The following list of signs are prohibited in the town; any violation is subject to the regulations as stated in this Article.

**10.28.1.** No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

**10.28.2.** Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion. This prohibition includes, but is not limited to, flutter flags and wind signs as defined in Appendix A.

**10.28.3.** No sign may be erected so that by its location, color, size, shape, nature, or message, it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies. Signs displaying intermittent light resembling the flashing light customarily used in traffic signals, or used by police, fire, ambulance, or other emergency vehicles, nor shall any sign use the word "stop," "danger," or any other words, phrases, symbol, or character in a manner that might be construed as a public safety warning or traffic sign.

**10.28.4.** Signs which obstruct free ingress to or egress from a driveway or a required door, window, fire escape, or other required exit way.

**10.28.5.** No signs shall overhang or be erected in any public right-of-way. Traffic regulation, information, or warning signs erected by the State Department of Transportation, signs erected by the Town, or signs located in the B-1 district are exempt.

**10.28.6.** Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.

**10.28.7.** Flashing, fluttering, swinging, rotating signs (except governmental signs and signs, which give time and temperature and other commercial public information message).

**10.28.8.** Roof signs, or signs above the parapet of a building.

**10.28.9.** Electronic message boards in all Residential districts, except for permitted nonresidential uses in a Residential district.

**10.28.10.** Portable signs, except for "sandwich boards."

**10.28.11.** All Beacons and Spotlights. Illumination system(s) shall not contain or utilize any beacon, spot, search, or stroboscopic light or reflector which is visible from any public right-of-way or adjacent property, nor shall such lights be operated outside, under any circumstances, except by authorized agencies for emergency services purposes.

**10.28.12.** Flood lights shall not be utilized as a part of a sign illumination system which are not hooded or shielded so that the light source is not visible from any public right-of-way or adjacent property, nor shall any sign otherwise reflect or emit a glaring light so as to impair driver vision.

**10.28.13.** Any sign or sign structure that is structurally unsafe as determined by the Building Inspector.

**10.28.14.** Signs painted on or attached to trees, fences, or fence posts, and telephone or utility poles or signs on or attached to rocks or other natural features (snipe signs).

**10.28.15.** Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This prohibition does not include temporary construction site vehicles on active construction sites.

**10.28.16.** Pole signs which are within 660 feet of the nearest edge of the right-of-way and visible from the maintained traveled way of the Federal Aid Primary and Interstate System, all as described in the Federal Highway Beautification Assistance Act of 1979, as amended, and which are constructed or erected on or after the effective date of this Section, unless excepted by NCGS 136-129 (see Appendix C). Provided, further, pole signs located specifically as described hereinbefore which were erected prior to the effective date of this Section are not prohibited from continuing, notwithstanding their non-conformance with regulations of this Section, other than conformance with the maintenance provisions set forth in Section 10.29 hereinafter.

**10.28.17.** Pavement markings except those of a customary traffic-control nature, as found in the Manual of Uniform Traffic Control Devices.

**10.28.18.** Off premise advertising signs except as permitted under Section 10.26.

**10.28.19.** Other signs not expressly permitted by this Ordinance.

#### **SECTION 10.28 – SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS.**

~~10.28.1. Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.~~

~~10.28.2. No sign within 150 feet of a Residential-Agricultural (R-20) or Residential (R-9, R-7, R-6, R-6MF, R-6MH) Zoning District may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.~~

~~10.28.3. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.~~

~~10.22.4. Electronic message boards and kinetic sign lighted display areas shall not exceed thirty (30) square feet.~~

~~10.28.5. Subject to Subsection 10.22.6, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, or weather conditions.~~

~~10.28.6. Subsections 10.22.1 and 10.22.5 do not apply to temporary signs or decorations erected or installed in connection with observance of holidays.~~

### **SECTION 10.29 SIGN CONSTRUCTION.**

All signs shall be designed, constructed and maintained in accordance with the following additional standards:

~~10.29.1. All sign shall comply with applicable provisions of the town's Building code and Electrical Code as referenced in the Town of Smithfield's Code of Ordinances.~~

**10.29.1.** Except for permitted banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Unified Development Ordinance, all signs shall be constructed of permanent materials and shall be attached to the ground or building.

**10.29.2.** All signs allowed by this Section shall be constructed in accordance with the requirements of the North Carolina State Building Code.

### **SECTION 10.30 SIGN MAINTENANCE.**

To ensure that signs are erected and maintained in a safe and aesthetic manner, it shall be unlawful for any sign designed to be visible from any public street or highway within the jurisdiction of the Town of Smithfield to be erected or maintained by any person, other than by a sign contractor properly licensed under Section 10.20.2 or by a designated representative of such licensed contractor, except that this requirement shall be interpreted to exclude those persons who construct and erect a principal use identification sign when said sign is used at said person's place of business and to exclude licensed general contractors erecting signs as part of a permitted construction or renovation project; provided, however, in all cases, all erection must be properly permitted and inspected for compliance with the applicable codes of the State of North Carolina and the Town of Smithfield and with other parts of this Article.

The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of this Article.

**10.30.1.** No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.

**10.30.2.** No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.

**10.30.3.** No sign shall be allowed to have weeds, vines, landscaping, or other vegetation growing upon it and obscuring its view from the street or highway from which it is to be viewed for a period of more than 30 successive days.

**10.30.4.** No neon or internally illuminated sign may be allowed to stand with only partial illumination for a period of more than 30 successive days.

**10.30.5.** If a sign or sign structure is damaged such that more than 50% of the value is lost, with such determination made by the UDO Administrator, any repair or replacement must be done in conformance with this Section.

The UDO Administrator may inspect all signs for compliance with these maintenance requirements.

**SECTION 10.31 STRUCTURAL AND CONSTRUCTION REQUIREMENTS.**

~~All signs allowed by this Section shall be constructed in accordance with the requirements of the North Carolina State Building Code.~~

**SECTION 10.32 NONCONFORMING SIGNS.**

Refer to Article 9, Section 9.9 for nonconforming sign regulations.

**SECTION 10.33 RECONSTRUCTION OF DAMAGED SIGNS OR SIGN STRUCTURES.**

**10.33.1.** Any conforming ~~or permitted nonconforming sign~~ or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within thirty (30) days and completed within sixty (60) days of such damage. However, if the sign should be declared unsafe by the UDO Administrator, the owner of the sign or the owner of record of the real property whereon the sign is located shall immediately correct all unsafe conditions in a manner satisfactory to the UDO Administrator.

**10.32.2.** ~~For the purposes of this section, a nonconforming sign or its structure shall be considered destroyed, and therefore not repairable, if it receives damage to the extent of more than 50% of its value as listed for tax purposes by the Johnston County Tax Office.~~

**SECTION 10.34 DISCONTINUED SIGNS.**

~~Upon the discontinuance of a business or occupancy of an establishment for a consecutive period of one hundred eighty (180) days, the UDO Administrator shall require the removal of any nonconforming sign(s) advertising or identifying the establishment. The UDO Administrator shall give thirty (30) days' notice to the property owner to remove the sign(s). Failure to remove the sign(s) within the thirty-day period shall constitute a violation of this Article and shall be remedied in accordance with the provisions of Section 1.8.~~





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.

\_\_\_\_\_ *Stephen J. Wansau* \_\_\_\_\_

Signature of petitioner Date

**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_



# Request for Planning Board Action

**Consent**  
**Agenda** ZA-21-06  
**Item:**  
**Date:** 12/02/21

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**Subject:** Short-term Rental Ordinance

**Department:** Planning Department

**Presented by:** Stephen Wensman, AICP, Planning Director

**Presentation:** Business Item

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## Issue Statement

Staff requests the Planning Board recommend approval of an amendment to Town of Smithfield Unified Development Ordinance, Article 6, Section 6.6 Table of Uses, Article 7, Supplementary Standards, and Appendix A, Definitions to create regulations for Short Term Rentals.

## Financial Impact

None

## Action Needed

The Planning Board should review and discuss the proposed amendment and make a recommendation to the Town Council.

## Recommendation

Staff recommends the Planning Board recommend approval of the UDO amendment to add short-term rental regulations.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff report
2. Proposed ordinance.
3. Consistency Statement
4. Application



# Staff Report

Agenda Item: ZA-21-06

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## OVERVIEW:

The Town of Smithfield is experiencing unprecedented growth and with-it short-term rentals (STR). At the last check, Smithfield had 4 operating within its corporate limits and several others in the ETJ. STRs are generally rentals of residential homes for a period of less than 6-months but can be defined differently by local zoning codes. STRs are typically conducted online under the shared economy brands like VRBO, HomeAway and Airbnb. Under the Town's UDO, short-term rentals are not permitted. Currently, we have one that was permitted as a Bed and Breakfast that has been receiving some complaints, mostly about pets trespassing, noise, trash roll offs left at the street and concerns that the use is not permitted at all. The Bed and Breakfast ordinance is subject to supplemental regulations including one that requires the owner to reside on the property. The primary difference between traditional Bed and Breakfasts and short-term rentals is that short-term rentals are not usually owner occupied and breakfasts are not prepared for guests.

## ANALYSIS:

Municipalities across North Carolina (NC) and the United States have been struggling to address the explosion of STRs and limit and/or eliminate disturbances to adjacent residential property and within established residential communities. Many NC municipalities have drafted ordinances to control or prohibit STRs; some resulting in lawsuits by the industry.

Planning staff has reviewed ordinances from Raleigh, Cornelius, Wilmington, Brevard and has drafted an ordinance based on Raleigh's. The draft ordinance amends Section 6.6, Table of Uses and Activities, creates supplementary standards in Article 7, and adds a definition of STRs in Appendix A. The ordinance allows STRs in all districts except R-MH, B-1, LI, HI and AHH with supplemental standards. This includes all conditional zoning districts in residential structures (CZ and PUD Districts). The B-1 District was not included because of the limited parking available. The draft ordinance was created to minimize the potential disturbances created by STRs. The ordinance supplementary standards address:

- Prohibition on site advertising
- Prohibition on large gatherings or special events in a STR
- Ensures appropriate off-street parking
- Ensures trash and recycling is properly managed.
- Minimizes the amount of STR in multifamily buildings.
- Requires a 3-year record of renters

The draft ordinance defines an STR as:

- A dwelling unit that can be used for overnight lodging accommodations that is provided to renters for no longer than 30 days for compensation. A portion of or the entire dwelling unit can be used for lodging, including part or all of an accessory structure.

**CONSISTENCY STATEMENT (STAFF OPINION):**

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.

**RECOMMENDATION:**

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-21-06 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.

**STAFF RECOMMENDED MOTION:**

Staff recommends the following motion:

“move to recommend approval of zoning text amendment, ZA-21-06, 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.”

**DRAFT ORDINANCE # ZA-21-06**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 6, SECTION 6.6 TABLE OF USES AND ACTIVITIES, ARTICLE 7,**  
**SUPPLEMENTAL REGULATIONS AND APPENDIX A DEFINITIONS AS IT**  
**PERTAINS TO SHORT-TERM RENTAL**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to permit short-term rentals in certain zoning districts with supplemental 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 6, Section 6.6 TABLE OF USES AND ACTIVITIES, adding short-term rentals as a permitted use in the R-8, R-10, R-20A, and O/I zoning districts]

**SECTION 6.6 TABLE OF USES AND ACTIVITIES.**

<i>Primary Zoning Districts</i>													
Uses	R-20A	R-10	R-8	R-6	R-MH	O/I	B-1	B-2	B-3	LI	HI	AHH	<i>Supplemental Regulations</i>
Short-term rental <sup>1</sup>	PS	PS	PS	PS		PS		PS	PS				Section 7.47 <sup>1</sup> (also permitted with standards in conditional zoning districts in residential structures)

**PART 2**

[Add Article 7, Section 7.47 SHORT-TERM RENTALS, to create a standard for short-term rentals]

**SECTION 7.47 SHORT-TERM RENTALS.**

**7.47.1.** Every short-term rental operator shall first apply for and procure a zoning permit from the City. Zoning permits must be renewed annually.

7.47.2. Cooking facilities are not permitted in any bedroom. For the purpose of this regulation, cooking facilities include any refrigerator in excess of seven cubic feet; any stovetop range that operates on 220-volt electric service; any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance, which contains more than two cooking surfaces or burners. This shall not prohibit cooking facilities within a one-room studio short-term rental. For the purpose of this regulation, a studio shall be a single-room rental with a sleeping area, living area and kitchen/eating area in one consolidated room.

7.47.3. No exterior advertising shall be allowed.

7.47.4. In residential zoning districts, short-term renters shall not utilize the premises for holding special events or gatherings.

7.47.5. All parking for short-term rentals shall be off-street on a paved driveway or within a garage. A paved driveway shall be comprised of bituminous, concrete, or equivalent. No parking shall be permitted on turf or gravel surfaces.

7.47.6. Short-term rental properties shall be kept clean and orderly, and trash and recycling containers shall be promptly stored on the property no later than 1 day after collection day.

7.47.7. For any multi-family uses, including townhomes, no more than 25%, or two dwelling units, whichever is greater, may be used for short-term rental in any single building.

7.47.8. Short-term rental operators shall comply with all applicable State and local laws, including those relating to fire and building codes, smoke detecting and carbon monoxide detecting equipment, housing codes, and payment of taxes to appropriate governmental entities, including occupancy taxes.

7.47.9. Every short-term rental operator shall maintain for a period of three (3) years a list of all short-term rental lodgers staying on the premises.

7.47.10. Short-term rentals are permitted with these standards in R-8 CZ and residential PUDs.

7.47.11. Failure to comply with these standards may result in civil penalties (Section 1.8) and/or non-renewal of the zoning permit.

**PART 3**

[Amend Appendix A, Section A.3, adding a definition for short-term rental]

**SECTION A.3 DEFINITIONS.**

**Short-term rental**

A dwelling unit that can be used for overnight lodging accommodations that is provided to renters for no longer than 30 days for compensation. A portion of or the entire dwelling unit can be used for lodging, including part or all of an accessory structure.

**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.

Duly adopted this the \_\_\_\_ day of November 2021.

\_\_\_\_\_  
M. Andy Moore, Mayor

ATTEST

\_\_\_\_\_  
Shannan L. Parrish, Town Clerk



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:**

Stephen Wensman - Planning Director  
 Petitioner's Name Address or PO Box

\_\_\_\_\_  
 City, State, Zip Code Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

Proposing an amendment to regulate STRs in town

(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.

Stephen Wensman      11/15/21  
 Signature of Petitioner Date

**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: N/A