



## **PLANNING BOARD AGENDA**

### ***Members:***

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

***Vice-Chairman: Debbie Howard (Town)***

***Doris Wallace(Town)***

***Ashley Spain (ETJ)***

***Bryan Stanley(Town)***

***Alisa Bizzell (Town)***

***Wiley Narron (Alternate)***

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

***Mark Helmer, AICP, CFM, Senior Planner***

***Julie Edmonds, Administrative Assistant***

***Meeting Date: Thursday, April 6, 2023***

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

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

# PLANNING BOARD AGENDA

FOR REGULAR MEETING

APRIL 6, 2023

MEETING TIME: 6:00 PM

TOWN HALL COUNCIL CHAMBERS

**Call to Order.**

**Pledge of Allegiance.**

**Identify voting members.**

**Approval of the agenda.**

**Approval of the minutes for March 2, 2023.**

**New Business.**

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

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

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

**Old Business.**

**Adjournment.**

**Town of Smithfield  
Planning Board Minutes  
Thursday, March 2nd, 2023  
Town Hall Council Chambers  
6:00 PM**

Members Present:

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

Members Absent:

Ashley Spain  
Wiley Narron

Staff Present:

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

Staff Absent:

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA** Debbie Howard made a motion to approve the agenda; seconded by Doris Wallace. Unanimously approved

**APPROVAL OF MINUTES for February 2nd, 2023**

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

**NEW BUSINESS**

**ZA-23-02 Town of Smithfield:** The applicant is requesting an amendment to Unified Development Ordinances, Article 7, Section 7.3 to allow two accessory structures per residential lot.

Mark Helmer stated that Planning staff is requesting the Planning Board recommend approval of an ordinance amendment to allow two accessory structures per residential lot. In 2001, the Town Council approved allowing 2 accessory structures on lots greater than ½ acre in the R-20A district in conjunction with updates to 160D. Recently, the Council requested staff to consider another amendment for accessory structures to extend the allowance to all residential lots. The opinion of the Council was that many residential properties already have 2 accessory structures and those following the rules were only limited to one. Also, many homes in Smithfield lack a garage leaving homeowners limited storage space. The existing exemption for pool houses not exceeding 150 sq. ft. and granny pods not exceeding 300 sq. ft. will remain. An accessory Dwelling Unit (ADUs) in the R-20A zoning district will be considered one of the two allowed accessory structures if it is a free-standing structure and not included within another. The number of accessory structures on a lot may be limited because of impervious surface limits on some platted lots, septic system conflicts, or setbacks. All accessory structures will still require a zoning permit from the Town and those over

200 sq. ft. will require a building permit from Johnston County Inspections. 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.

Debbie Howard made a motion to recommend approval of zoning text amendment, ZA-23 -02 amending Section 7.3 to allow 2 accessory structures per residential lot finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest; seconded by Doris Wallace. Unanimously approved.

**CA-23-03 Town of Smithfield:** The applicant is requesting an amendment to the Smithfield Town Plan that adopts a new volume titled Comprehensive Pedestrian Plan.

Stephen Wensman stated The Town Plan, adopted in 2020, included a recommendation that the Town pursue a Pedestrian Plan through the NCDOT Pedestrian Planning Grant Program. The Town Council adopted a Resolution of Support for a grant application on 07/09/2019. NCDOT awarded the Town a grant and assigned AECOM to prepare the plan. The draft plan is the culmination of a planning process to improve pedestrian safety, connectivity, health and wellbeing through recommended infrastructure projects and community policies and programs. This effort was led by the North Carolina Department of Transportation's (NCDOT) Integrated Mobility Division (IMD), AECOM as the project consultant, and the locally appointed Steering Committee. With the adoption of the Pedestrian Plan, the Town will be well positioned to pursue funding opportunities with NCDOT for pedestrian projects. The Plan will also help the Town prioritize its spending on pedestrian facility projects.

Debbie Howard asked if there would ever be a pedestrian walk from Little Brown Jug to Hwy 70? Stephen Wensman said the Town just applied for a CMAQ grant. If it is approved, the Town will build a trail from the bridge to Wilson's Mills Rd. Stephen Wensman said that DOT has a complete street program. That means they will put in the trails and pedestrian amenities and not at the Town's cost. DOT will cover all costs but it has to be shown on the comp plan. This will essentially be an addendum to the comp plan. Doris Wallace asked why the trail was stopping at Wilson's Mills Rd when you have all the homes that go down Market Street? Stephen Wensman said we're building from the downtown outward and that's a busy road. He stated he knew it was difficult to get down Wilson's Mills Rd and Hwy 70, But we have to start somewhere. That's as much funding as the Town could secure for a trail at this time.

Debbie Howard made a motion to recommend the Town Council adopt the Pedestrian Plan; seconded by Alisa Bizzell. Unanimously approved

### **Old Business**

Stephen Wensman brought up the street tree ordinance concerning landscaping trees across Town. He stated some of them are being cut down too far until they resemble shrubs. Our ordinance states you need to maintain your landscaping but it doesn't indicate how. He suggested to the Planning Board that some language be crafted for regulated commercial landscaping.

Mark Helmer stated that the Planning Department has been trying to make changes to the sign code. The last variance that came to us was a recommendation that we change the ordinance to allow for more signage. We now allow signs on all street fronts. We allow wall signs on all sides of the building that have public parking. We place a limit on the maximum number of signs to 4 per property. He asked the board if they wanted to do away with the quantity of signs and just regulate by the total square footage. It gives businesses more flexibility. The Planning Board was in agreement to come back with an ordinance to change the sign code.

Stephen Wensman stated RV's as temporary housing is intended for emergency use in our code but it isn't written well. A few citizens have requested this and it's been difficult to say no. An emergency should consist of a flood or fire, something that's out of the persons control. We can bring this back to the board at a later date.

Stephen Wensman said there is also concern about vehicles parking on the grass in their front yards. He asked the boards opinion about this. Bryan Stanley asked how it would be enforced? Debbie Howard suggested that a provision be placed in the code that parking must be on an approved surface such as gravel or a concrete pad. We can always keep this issue in mind and revisit this later.

Stephen Wensman said another issue is proactive rezonings. Essentially someone wanting to do a manufactured home on an R-20A lot which is surrounded by R-8 lot and manufactured homes are only allowed in R-20A districts. This is something to consider later, but he isn't ready to create an ordinance.

**Adjournment**

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

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist



# Request for Planning Board Action

Agenda  
Item: ZA-23-03  
Date: 04/06/2023

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**Subject:** Airport Height Hazard Overlay Update  
**Department:** Planning  
**Presented by:** Mark Helmer, Senior Planner  
**Presentation:** Business Item

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## Issue Statement

Request to amend Article 10, Section 10.95 Airport Height Hazard Overlay (AHH) and corresponding definitions in Appendix A.

## Financial Impact

None.

## Action Needed

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

## Recommendation

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

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff report
2. Draft Zoning Text Amendment
2. Consistency Statement
3. Application
4. Airport Height Hazard Overlay Map



# Staff Report

Agenda Item: ZA-22-05

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## **REQUEST:**

Staff is requesting approval of an update to the Airport Height Hazard Overlay (AHH) regulations in Article 10, Section 10.95 and associated definitions in Appendix A.

## **OVERVIEW/ANALYSIS:**

Planning Director Wensman participated in a stakeholder group to assist and guide the update to the Johnston County Regional Airport Master Plan. As part of this update, the consultants for the airport identified needed updates to local regulations per the FAA model ordinance. The updates to Article 10, Section 10.95 and associated definitions in Appendix A reflect the recommended changes.

## **PROPOSED AMENDMENT:**

The amendment provides clearer description and guidance on the various airport zones as it pertains to dimensional characteristics, height and lighting requirements.

The amendment also updates certain terms found within the AHH Overlay ordinance.

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

The zoning text amendment as proposed is 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 approval of the zoning text amendment, ZA-23-03, 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.

## **RECOMMENDED MOTION:**

Staff recommends the following motion:

"move to recommend approval of zoning text amendment, ZA-23-03, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest."



**ORDINANCE # ZA-23-03**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 10, SECTION 10.95 AIRPORT HEIGHT HAZARD OVERLAY**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 7, Section 7.3 Accessory Uses and Structures to allow two accessory structures per residential lot.

**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:

[Revise Article 10, Section 10.95 Airport height hazard overlay regulations.]

**PART 1**

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

**SECTION 10.95 AIRPORT HEIGHT HAZARD OVERLAY (AHH).**

***10.95.1. Purpose.***

The purpose of the airport height hazard district (AHH) is to provide regulations that prohibits the creation or establishment of hazards that endangers public health, safety, welfare, or impacts an individual's quality of life, or prevents the safe movement of aircraft at the Johnston County Regional Airport and and promotes the most appropriate use of land to prevent the creation or establishment of airport hazards. ~~provide a higher level of control from activities, situations and obstructions that could have the potential for endangering the lives and property of users of the Johnston Regional Airport, and property or occupants of land in its vicinity. Further, the creation or establishment of an obstruction may effect existing and future instrument approach minimums of the Johnston Regional Airport, and that obstruction may present a hazard to air navigation and/or reduce the size of areas available for the safe landing, takeoff and maneuvering of aircraft.~~

***10.95.2. Intent.***

It is the intent of this section to prevent the creation or establishment of hazards to air navigation, eliminate, remove, alter or mitigate hazards to air navigation, by regulating the height of structures, and the use of property in the vicinity of the airport.

***10.95.3. Airport Hazard District Zones.***

In order to carry out the provisions of this section, there are created and established certain zones which include all of the land lying beneath the runway protection zone, the approach surface, transitional surface, horizontal surface and conical surface ~~approach surfaces, transitional~~

surfaces, horizontal surfaces, and conical surfaces as they apply to the Johnston Regional Airport. ~~Such~~ These zones are identified as A, B, C, D and E and are defined in Appendix A, in Section 10.95.3.4 and ~~zones are identified on the~~ **Airport Height Hazard Overlay Map** which is on file in the office of the Johnston County planning office and the geographical informational services office and the Town of Smithfield planning office. ~~An area located in one or more than one of the following zones is considered to be the only area in the zone with the more restrictive height regulations.~~

**Section 10.95.3.4. Dimensions for Airport Overlay Zones – Precision Runway**

<u>Zone</u>	<u>Inner Width</u>	<u>Outer Width</u>	<u>Length</u>	<u>Height or Slope</u>
<u>A</u> (Runway Protection Zone – Begins at end of turf runway, 200' past hard surface runway)	<u>RWY 3 – 1,000'</u> <u>RWY 21 – 500'</u>	<u>RWY 3 – 1,750'</u> <u>RWY 21 – 700'</u>	<u>RWY 3 – 2,500'</u> <u>RWY 21 – 1,000'</u>	<u>RWY 3 – 50:1</u> <u>RWY 21 – 34:1</u>
<u>B</u> (Approach zone - Begins at end of turf runway, 200' past hard surface runway )	<u>RWY 3 – 1,000'</u> <u>RWY 21 – 500'</u>	<u>RWY 3 – 16,000'</u> <u>RWY 21 – 3,500'</u>	<u>RWY 3 - *</u> <u>RWY 21 – 10,000'</u>	<u>RWY 3 - *</u> <u>RWY 21 – 34:1</u>
<u>C width</u> (Transitional Surface)	<u>1,000'</u>	<u>RWY 3 – 16,000'</u> <u>RWY 21 – 3,500'</u>	<u>RWY 3 - *</u> <u>RWY 21 – 10,000'</u>	<u>7:1**</u>
<u>D radius</u> (Horizontal Surface)	<u>Begins at edge of transitional surface</u>	<u>10,000'</u>		<u>150' above runway</u> <u>(excludes approach zone)</u>
<u>E radius</u> (Conical Surface)	<u>Begins at edge of horizontal surface</u>	<u>4,000'</u>		<u>20:1</u>

\*Precision instrument approach slope is 50:1 for inner 10,000 feet and 40:1 for an additional 40,000 feet

\*\*7:1 slope until intersection with the Horizontal Surface (RWY 3 and RWY 21), then add 7:1 slope on each side of RWY 3 Approach Surface for a horizontal distance of 5,000 feet laterally measured from the edge of the Approach Surface.

**10.95.4. Airport Zone Height Limitations and Lighting Requirements**

Unless otherwise provided for in this Ordinance, no structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zone established by this Ordinance to a height in excess of the applicable height limitations established by this Ordinance in Section 10.95.3.4. and shown on the “Airport Height Hazard Overlay Map.”

Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard.

### **10.95.5. Airport Zoning Map**

The Airport Land Use & Height Overlay Zones established by this Ordinance are shown on the Johnston County Airport Zoning Map which is on file in the office of the Johnston County planning office and the geographical informational services office.. The Official Airport Land Use & Height Overlay Zoning Map, may be amended, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this Ordinance.

~~**10.95.3.1. Runway Larger Than Utility Visual Approach Zone.** This zone is defined as the inner edge of the approach zone that coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~

~~**10.95.3.2. Runway Larger Than Utility with a Visibility Minimum Greater than Three-Quarter Mile Non-precision Instrument Approach Zone.** This zone is defined as the inner edge of this approach zone that coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~

~~**10.95.3.3. Runway Larger Than Utility with a Visibility Minimum as Low as Three-Quarter Mile Non-precision Instrument Approach.** This zone is defined as the inner edge of this approach zone that coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~

~~**10.95.3.4. Precision Instrument Runway Approach Zone.** This zone is defined as the inner edge of this approach zone that coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~

~~**10.95.3.5. Transitional Zone.** The transitional zones are those zones that are the areas beneath the transitional surfaces.~~

~~**10.95.3.6. Horizontal Zone.** This zone is defined as that area established by swinging arcs of 5,000 feet radii for all runways designated as utility or visual and 10,000 feet for all others from the center of each and the primary surface of each runway connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include approach and transitional at the periphery of the horizontal zone, and extends outward from a horizontal distance of 4,000 feet.~~

#### ***10.95.4. Airport Environs Height Regulations.***

Except as otherwise provided in this section, no building or structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any airport hazard district zone to a height in excess of the applicable height established for such zone. The maximum height regulations are as follows:

~~***10.95.4.1. Runway Larger Than Utility Visual Approach Zone.***~~ Slopes 20 feet outward for each foot upward beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

~~***10.95.4.2. Runway Larger Than Utility with a Visibility Minimum Greater than Three-Quarter Mile Non-precision Instrument Approach Zone.***~~ Slopes 34 feet outward for each foot upward beginning at the end of, and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

~~***10.95.4.3. Runway Larger Than Utility with a Visibility Minimum as Low as Three-Quarter Mile Non-precision Instrument Approach.***~~ Slopes 34 feet outward for each foot upward beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

~~***10.95.4.4. Precision Instrument Runway Approach Zone.***~~ Slopes 50 feet outward for each foot upward beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance upward of 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

~~***10.95.4.5. Transitional Zone.***~~ Slopes seven feet outward for each foot upward beginning at the sides of, and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation (165 feet above mean sea level). In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of, and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of, and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

~~***10.95.4.6. Horizontal Zone.***~~ Established at 150 feet above the airport elevation or at a height of 315 feet above mean sea level.

~~***10.95.4.7. Conical Zone.***~~ Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone, and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

**~~10.95.5. Airport Environs Height Regulations Exceptions.~~**

~~Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.~~

**~~10.95.6. Use Regulations.~~**

~~Notwithstanding any other provision of this section, no use may be made of land or water within any zone established by this section in such a manner as to:~~

~~10.95.6.1. Create electrical interference with navigational signals or radio communication between airport and aircraft;~~

~~10.95.6.2. Make it difficult for pilots to distinguish between airport lights and other lights;~~

~~10.95.6.3. Result in glare in the eyes of pilots using the airport;~~

~~10.95.6.4. Impair visibility in the vicinity of the airport;~~

~~10.95.6.5. Create bird strike hazards; or~~

~~10.95.6.6. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.~~

**~~10.95.7. Existing Uses.~~**

~~The regulations prescribed in this section shall not be construed to require the removal, alteration, lowering or other change of any structure or tree not conforming to the regulations as of May 7, 1984, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this section shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to May 7, 1984.~~

**~~10.95.8. Marking and Lighting.~~**

~~Notwithstanding the provisions of this section, the owner of any existing structure that exceeds the height requirements of subsection 10.95.4 of this section, is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Johnston County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Johnston County Airport Authority.~~

**~~10.95.9. Permits Required.~~**

~~Except as specifically provided in this subsection, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit thereof shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information in order to determine whether the resulting use, structure, or tree would conform to the regulations prescribed in this article.~~

~~**10.95.9.1.Existing Uses.** No permit shall be granted that would allow the establishment or creation of an obstruction, or permit a nonconforming use, structure or tree, to become a greater hazard to air navigation than it was on May 7, 1984, or than it is when the application permit is made.~~

~~**10.95.9.2. Nonconforming Uses, Abandoned or Destroyed.** Whenever the UDO Administrator determines that a nonconforming structure or tree has been abandoned, or more that 80 percent physically deteriorated, destroyed, or decayed, no permit shall be granted that would allow such structure or tree to exceed the height regulations of subsection 10.93.4 of this section, or otherwise deviate from the requirements of this section.~~

~~**10.95.9.3.Permit Exceptions.**~~

~~**10.95.9.3.1.** In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any structure or tree less than 75 feet of vertical height above the ground, except when, because of existing terrain, land contour, or topographic feature, such structure or tree would extend above the required height limits prescribed for such zones.~~

~~**10.95.9.3.2.** In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any structure or tree less than 75 feet of vertical height above the ground, except when such structure or tree, because of existing terrain, land contour, or topographic feature, would extend above the required height limit prescribed for such zones. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration, of any structure, or growth of any tree in excess of any of the required height limits established in subsection 10.95.4 of this section.~~

**10.95.6. Variances.**

Any person desiring to erect or increase the height of any building or structure not in accordance with the regulations prescribed in this section, may apply to the Board of Adjustment for a variance from such regulations. The application for a variance must be accompanied by a determination letter from the Federal Aviation Administration as to the effect of the variance request on the operation of air navigation facilities and the safe, efficient use of navigable air space. An application for a variance from the requirements of this section shall be referred to the Airport Manager for advice as to the aeronautical effects of the variance request on the operation of the airport facilities. If the Airport Manager does not respond to the application request within 15 days after receipt of the application, the Board of Adjustment may act on its own to grant or deny such application. ~~The Board of Adjustment, based on findings of fact, shall grant the variance if it:~~

~~**10.95.10.1.** Is found that a literal application of enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest;~~

~~10.95.10.2.~~ Will not create a hazard to air navigation;

~~10.95.10.3.~~ Will do no injustice; and

~~10.95.10.4.~~ Will be in accord with the spirit and intent of this section.

~~**10.95.11. Obstruction Marking and Lighting.**~~

~~Any permit or variance granted may, if such action is deemed advisable to carry out the purpose of this section, and is reasonable in the circumstances, be so conditioned as to require the owner of the structure to install, operate, and maintain, at the owner's expense, such markings and lights as necessary. If deemed proper by the Board of Adjustment, this condition may be modified to permit the Johnston County Airport Authority, at its own expense, to install, operate and maintain the necessary markings and lights.~~

[Revise Appendix A to update definitions related to AHH Overlay zoning.]

**PART 2**

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

***Airport height hazard district definitions***

For the purposes of Article 10, Part IX, Section 10.93, Airport Height Hazard District, the following items, phrases, and words shall have the meaning herein:

- (1) ***Airport elevation.*** The topographical elevation above mean sea level. At the Johnston Regional Airport this elevation is 165 feet.
- (2) ***Approach and runway protection zone map.*** The Approach and Runway Protection Zone Map is compiled from the criteria in 14 CFR Part 77, "Objects Affecting Navigable Airspace." It shows the five-airport overlay zones affected by the Airport Overlay Zoning Ordinance, and includes the layout of runways, airport boundaries, elevations, and area topography. Applicable height limitation areas are shown in detail.
- (3) ***Airport overlay zones.*** Zones intended to place height and land use conditions on land impacted by airport operations while retaining the existing underlying zone. The Title 14 Code of Federal Regulations Part 77 (14 CFR Part 77) Surfaces and runway protection zones have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.
- (4) ***Approach surface.*** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section

10.93.4 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

- (5) ***Conical surface (Zone E)*** - The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one-foot vertically (20:1) for a distance of 4,000 feet. It is the outermost zone of the overlay areas and has the least number of land use restriction considerations. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.
- (6) ***Hazard to air navigation.*** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable air space.
- (7) ***Height.*** The height limits set forth in Section 10.93 and as shown on the height hazard map, the datum shall mean sea level elevation except as otherwise specified.
- ~~(8)~~ ***Horizontal surface (Zone D)*** - The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and begins at the edge of the transitional surfaces and primary surface for a distance of 5,000 feet for visual approach runways, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (9) ***Larger than utility runway.*** The runway that is constructed for and intended to be used for propeller driven aircraft or greater than 12,500 pounds maximum gross weight or jet powered aircraft.
- (10) ***Non-precision instrument runway.*** The runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- (11) ***Obstruction.*** Any building, structure, growth, or other object, including a mobile object which exceeds a limiting height as set out in Section 10.93.4 of this Ordinance.
- (12) ***Precision instrument runway.*** A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR), or a runway for which a precision approach system is planned and is so indicated on the approved airport layout plan or any other planning document.



- (13) **Primary surface.** - The primary surface is longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. ~~For military runways.~~ When the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 1,000 feet, or 500 feet on either side of the runway centerline, for a precision instrument runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (14) **Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (15) **Runway approach surface (Zone B)** - A critical overlay surface that reflects the approach and departure areas for each runway at an airport. The approach surface is longitudinally centered on the extended runway centerline, extending outward and upward from the end of the runway. The approach slope for visual runways is 20:1 for a distance of 5,000 feet.
- (16) **Runway protection zone (RPZ) (Zone A)** - The area off the end of the runway end designed to provide a clear area that is free of above ground obstructions and structures to enhance the protection of people and property on the ground. Zone A is intended to provide a clear area that is free of above-ground obstructions and structures.
- (17) **Transitional surfaces (Zone C).** The transitional A surface extending outward and upward at right 90 degree angles to the runway centerline and extends extended at a slope of seven feet horizontally for each one-foot vertically (7:1) from the sides of the primary and approach surfaces. ~~to where they intersect the horizontal and conical approach surfaces.~~ The Transitional surfaces for these portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.
- (18) **Utility runway.** A runway intended solely for the operation of aircraft using visual approach procedures.
- (19) **Visual runway.** A runway intended solely for the operation of aircraft using visual approach procedures.

### PART 3

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

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

Duly adopted this the 2nd day of May, 2023.

---

M. Andy Moore, Mayor

ATTEST

---

Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
ZA-23-03**

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

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

**NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:**

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

That the final action regarding zoning ordinance amendment ZA-23-03 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 Town Council and information provided at the regularly scheduled meeting of Town Council; and

It is the objective of the Town of Smithfield Town Council 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 Town Council at their regularly scheduled meeting. Therefore, the ordinance amendment is reasonable and in the public interest.

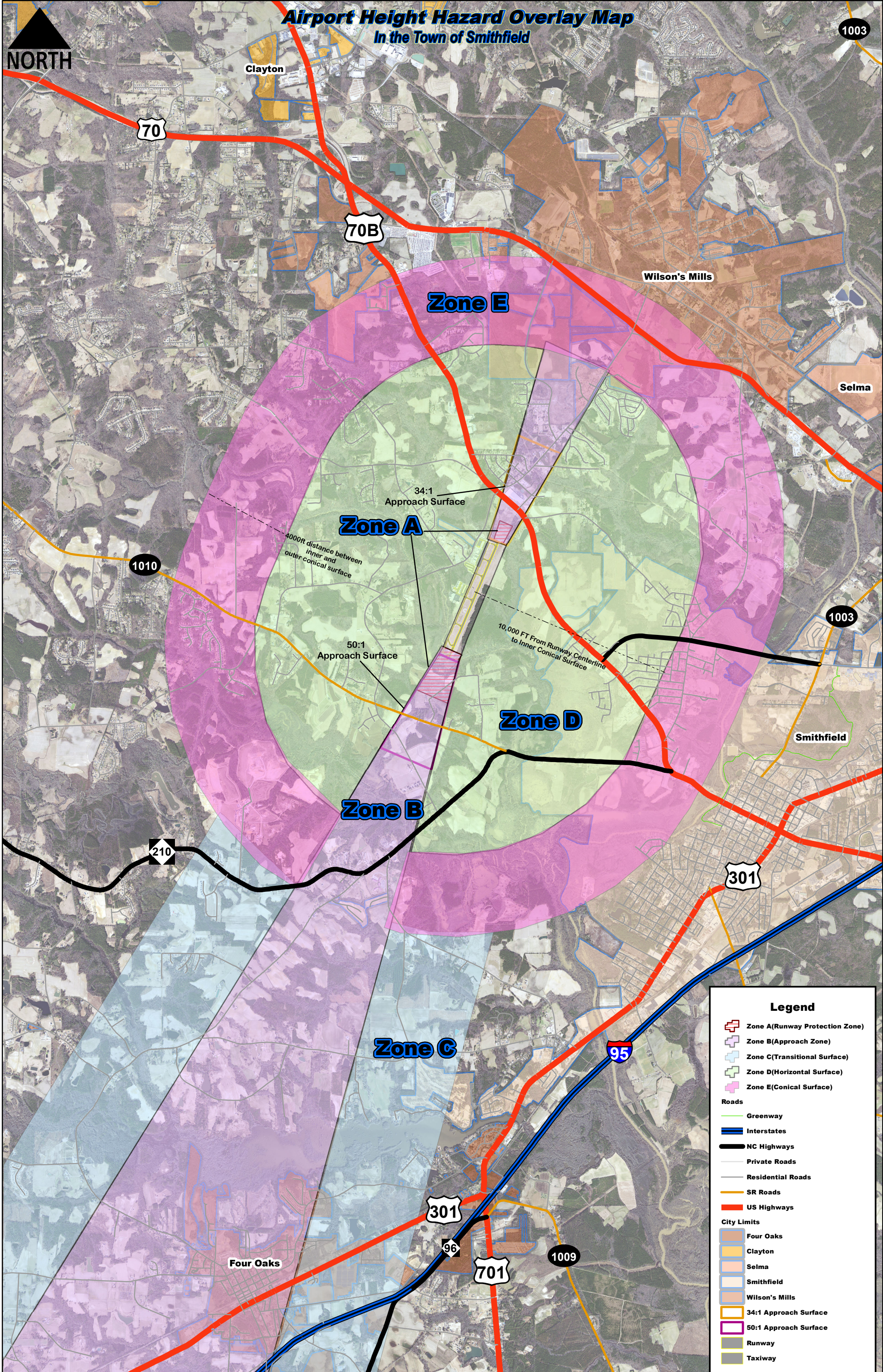
**IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE FAILS,**

That the final action regarding zoning ordinance amendment ZA-23-03 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 Town Council 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.

# Airport Height Hazard Overlay Map In the Town of Smithfield

NORTH



**Zone E**

**Zone A**

**Zone D**

**Zone B**

**Zone C**

34:1 Approach Surface

4000ft distance between inner and outer conical surface

50:1 Approach Surface

10,000 FT From Runway Centerline to Inner Conical Surface

## Legend

- Zone A(Runway Protection Zone)
  - Zone B(Approach Zone)
  - Zone C(Transitional Surface)
  - Zone D(Horizontal Surface)
  - Zone E(Conical Surface)
- Roads
- Greenway
  - Interstates
  - NC Highways
  - Private Roads
  - Residential Roads
  - SR Roads
  - US Highways
- City Limits
- Four Oaks
  - Clayton
  - Selma
  - Smithfield
  - Wilson's Mills
- 34:1 Approach Surface
  - 50:1 Approach Surface
  - Runway
  - Taxiway



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

**Petition for Amendment to the Unified Development Ordinance**

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

**APPLICANT INFORMATION:**

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

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

\_\_\_\_\_

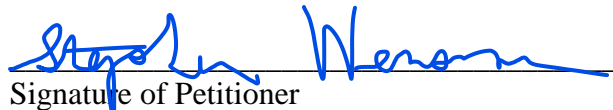
\_\_\_\_\_

(Attach additional sheets as necessary)

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

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

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

	_____
Signature of Petitioner	Date

**FOR OFFICE USE ONLY**

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



# Request for Planning Board Action

Agenda  
Item: ZA-23-04  
Date: 4/06/2023

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

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## Issue Statement

Request to amend the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to strike Government Offices from the Light and Heavy Industrial Districts.

## Financial Impact

None.

## Action Needed

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

## Recommendation

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

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff report
2. Draft Zoning Text Amendment
2. Consistency Statement
3. Application



# Staff Report

Agenda ZA-  
Item: 23-04

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## **REQUEST:**

Staff is requesting the Planning Board recommend approval of an ordinance amendment to Article 6, Section 6.6 Table of Uses and Activities to strike "government offices" from the Light Industrial (LI) and Heavy Industrial (HI) Districts.

## **ANALYSIS:**

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

## **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-23-04 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

## **STAFF RECOMMENDED MOTION:**

Staff recommends the following motions:

*"move to recommend approval of zoning text amendment, ZA-23-04, amending Article 6, Section 6.6 Table of Uses and Activities to strike "government offices" from the Light and Heavy Industrial Districts finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest."*

**ORDINANCE # ZA-23-04**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 6, SECTION 6.6, STRIKING GOVERNMENT OFFICES AS A PERMITTED**  
**USE IN LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONING DISTRICTS**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 7, Section 7.3 Accessory Uses and Structures to allow two accessory structures per residential lot.

**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:

[Revise Article 6, Section 6.6. striking government offices as a permitted use in Light Industrial and Heavy Industrial Zoning Districts.]

**PART 1**

Uses	Primary Zoning Districts												Supplemental Regulations
	R-20A	R-10	R-8	R-6	R-MH	O/I	B-1	B-2	B-3	LJ (Sect. 7.2)	HI (Sect. 7.2)	AHH	
<b>INSTITUTIONAL</b>													
Community college	S					P	S	S	S	S	S		
Libraries						P	P	P	P				
Schools, public and private	S	S	S	S	S	P		P					
Armories						P							
Event center								PS	PS				Section 7.42
Governmental offices						P	P	P	P	<del>P</del>	<del>P</del>		
Cemeteries	S					P							
Churches/places of worship	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Section 7.32 Section 7.42
Club or private lodge meeting halls						PS		PS	PS				Section 7.42
Club or Bar, private								S	S				
Community centers						PS		SS	SS				Section 7.42
Country clubs, golf courses	P												
Crematory, human								P	P				
Government Public Safety (i.e., police, fire)	S	S	S	S	S	P	P	P	P	P	P		
Hospitals						P		P	P				
Public utility/Public Works storage or service yards						PS				P	P		Section 7.41
Public utility substations/switching stations	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P		Section 7.43
Pump stations	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Section 7.43
US postal services								P	P	P	P		
Public water treatment						P							



**PART 2**

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

**PART 3**

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

Duly adopted this the 2nd day of May, 2023.

---

M. Andy Moore, Mayor

ATTEST

---

Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
ZA-23-04**

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

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

**NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:**

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

That the final action regarding zoning ordinance amendment ZA-23-04 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 Town Council and information provided at the regularly scheduled meeting of Town Council; and

It is the objective of the Town of Smithfield Town Council 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 Town Council at their regularly scheduled meeting. Therefore, the ordinance amendment is reasonable and in the public interest.

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

That the final action regarding zoning ordinance amendment ZA-23-04 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 Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment does not promote this and therefore is neither reasonable nor in the public interest.



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

**Petition for Amendment to the Unified Development Ordinance**

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

**APPLICANT INFORMATION:**

<b>Planning Department</b>	<b>350 E Market Street</b>
_____ Petitioner's Name	_____ Address or PO Box
<b>Smithfield</b>	<b>919-934-2116</b>
_____ City, State, Zip Code	_____ Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:  
 Amend Section 6.6 to strike "government offices" from the Light and Heavy Industrial Districts.

(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.

	<b>2/15/23</b>
_____ Signature of Petitioner	_____ Date

**FOR OFFICE USE ONLY**

File Number: _____	Date Received: _____	Amount Paid: _____
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# Request for Planning Board Action

Agenda  
Item: ZA-23-05  
Date: 04/06/2023

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

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## Issue Statement

Request to amend the Unified Development Ordinance, Article 10, Section 10.11. Maintenance to prohibit severe pruning of required landscape trees.

## Financial Impact

None.

## Action Needed

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

## Recommendation

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-23-05 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff report
2. Draft Zoning Text Amendment
2. Consistency Statement
3. Application



# Staff Report

Agenda ZA-  
Item: 23-05

## REQUEST:

Staff is requesting the Planning Board recommend approval of an ordinance amendment to Article 10, Section 10.11. Maintenance to prohibit severe pruning of required landscape trees.

## ANALYSIS:

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

*Topping is the drastic removal of large-diameter wood (typically several years old), with the end result of shortening all stems and branches. Topping of trees can weakening them and can make them vulnerable to insects and wood decay.*

*Pollarding involves initially making cuts through branches up to about three years old and then annually removing all or most sprouts back to the original cut. Over time, woundwood and dead branch stubs form a "pollard head," a swollen area at the end of the branch where sprouts are removed each year. Pollarding was used extensively in Europe to maintain trees at a small size. Pollarded trees are cut back to exactly the same size each year because cuts are made back to the pollard heads. Unlike topping, the trees are not weakened and there is less wood decay.*

*University of Florida Extension*

Topping and Pollarding are similar, however, Pollarding is an acceptable form of pruning that does not damage the trees if done properly, most often by a skilled arborist. For the most part, the pruning occurring in the Town of Smithfield to required landscape trees can be best described as topping.

The Town's landscape ordinance has requirements for understory, canopy trees and shrubs. Canopy trees are intended to get large and provide shade in the landscape. The landscape ordinance requires 2" caliper, 12–14-foot high trees that will exceed 35 feet at maturity. Understory trees are typically for ornamental purposes to be planted at about 8-10 feet in height and to remain under 35 feet at maturity. The purpose of the ordinance is to have a

mix of shade trees and ornamental trees on a development site. By topping or pollarding, landscapers are attempting to keep the trees small, defeating the purpose of the ordinance. In many cases the topped trees are kept at a 5-6' height, the same height as a mature shrub.

The proposed ordinance would prohibit severe pruning such as topping and pollarding such that the trees can grow with a natural form.

**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-23-05 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

**STAFF RECOMMENDED MOTION:**

Staff recommends the following motions:

*“move to recommend approval of zoning text amendment, ZA-23-05, amending Article 10, Section 10.11., finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”*

**DRAFT ORDINANCE # ZA-23-05**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 10, SECTION 10.11 TO PROHIBIT SEVERE PRUNING**  
**OF REQUIRED LANDSCAPE TREES.**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 10, Section 10.11 to prohibit severe pruning of required landscape trees.

**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 10, Section 10.11 to insert text that prohibits severe pruning of required landscape trees.]

**Sec. 10.11. - Maintenance.**

**10.11.1. - ~~Vegetation.~~ Vegetation.**

All existing vegetation that is used to meeting landscaping requirements, all required plants, and all required berms shall be maintained by the owner of the property on a continuing basis for the life of the development.

**10.11.1.1.** Required landscape areas shall be free of refuse and debris and shall be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.

**10.11.1.2.** Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails. Shrubs within existing vehicle use areas, streetscapes, and street fronts may be pruned, but must maintain a height of at least three (3) feet.

**10.11.1.3.** Any dead, unhealthy, or missing vegetation, or vegetation disfigured by **severe pruning**, shall be replaced with locally adapted vegetation that conforms to the standards of this Ordinance and the approved development plan.

**10.11.2. Removal, Damage and Pruning of Vegetation**

**10.11.2.1. Removal, Disturbance, Damage and **Severe Pruning** Prohibited**

Vegetation in required landscape areas may not be removed, disturbed, damaged, or severely pruned except as allowed in accordance with Section 10.11.2.2. For purposes of this Section 10.11, "disturbance" shall be defined as any action that results in injury or harm to required trees, shrubbery, or other vegetation. Plants shall be considered severely pruned if pruned in such a manner that growth of their natural form is impaired.

#### **10.11.2.2. Exceptions**

Vegetation within required landscape areas may be removed or modified with approval of the Planning Director as provided below:

- 10.11.2.2.1 Required Street Yard trees may be pruned to prevent damage to utilities or buildings, and to maintain street intersection sight visibility in accordance with Section 2.21 or requirements of NCDOT.
- 10.11.2.2.2 Where vegetation poses an immediate or imminent threat to improved structures on private or public property, severe pruning and/or removal of the vegetation is allowed, provided the required landscape area is maintained consistent with this Ordinance.
- 10.11.2.2.3 Where vegetation or a physical element functioning to meet the standards of this Ordinance is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as natural death or damage by wild or domestic animals, the owner may be required to replant if the required landscape area no longer achieves the requirements of this Ordinance. The owner may have one (1) growing season to replace or replant the missing vegetation. The Planning Director shall consider the circumstances to decide on the extent of replanting requirements.

#### **10.11.3. Replacement of Disturbed and Damaged Vegetation**

Where existing required vegetation has been removed, disturbed, or damaged in violation of this Ordinance, the Planning Director shall require revegetation of the affected area consistent with the approved landscape plan.

#### **10.11.4. - [Opaque Fence or Opaque Walls.]**

Opaque fence or opaque walls shall be maintained, cleaned and repaired by the owner of the property on a continuing basis for the life of the development. Such fencing shall be kept free of litter and advertising. Opaque fences or walls may be subject to periodic inspection by the UDO Administrator.



**10.11.5. - [Permit.]**

A new certificate of occupancy/building permit/zoning permit or a complaint will result in an inspection for compliance.

**10.11.4. - [Violation.]**

Failure to maintain landscaping required by [Article 10](#), Part II will be considered a violation of this ordinance and subject to penalty as prescribed in [Section 1.8](#).

**PART 2**

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

**PART 3**

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

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

Duly adopted this the 2nd day of May, 2023.

---

M. Andy Moore, Mayor

ATTEST

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Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
ZA-23-05**

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

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

**NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:**

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

That the final action regarding zoning ordinance amendment ZA-23-05 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 Town Council and information provided at the regularly scheduled meeting of Town Council; and

It is the objective of the Town of Smithfield Town Council 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 Town Council at their regularly scheduled meeting. Therefore, the ordinance amendment is reasonable and in the public interest.

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

That the final action regarding zoning ordinance amendment ZA-23-05 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 Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment does not promote this and therefore is neither reasonable nor in the public interest.



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
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 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:**

TOS Planning Department

Petitioner's Name

Address or PO Box

Smithfield NC 27577

919-934-2116, ext 1114

City, State, Zip Code

Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

To amend Section 10.11 to prohibit severe pruning of required lands

(Attach additional sheets as necessary)

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

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

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

  
 Signature of Petitioner

3/16/23

Date

**FOR OFFICE USE ONLY**

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



## PLANNING DEPARTMENT

Mark E. Helmer, AICP, CFM  
Senior Planner

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### **Notice of Public Meeting**

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

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

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

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

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 on March 22 and March 29, 2023.