

**Town of Smithfield
Planning Board Minutes
Thursday, January 5th, 2023
Town Hall Council Chambers
6:00 PM**

Members Present:

Chairman Mark Lane
Vice-Chairman Debbie Howard
Debbie Howard
Wiley Narron
Alisa Bizzell
Ashley Spain
Brian Stanley
Doris Wallace

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA Doris Wallace made a motion to approve the agenda; seconded by Debbie Howard. Unanimously approved ***The agenda was amended and ZA-22-04 was removed until a later date***

APPROVAL OF MINUTES for December 1st, 2022

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

NEW BUSINESS

ZA-22-05 Mr. William R. Andrews: The applicant is requesting an amendment to the Unified Development Ordinances, Article 6, Table 6.6 Table of Uses and Activities to allow Accessory Dwelling Units (ADUs) in the R-20A Zoning District with supplementary standards, Article 7 Section 7.3 to add supplementary standards for ADUs; and Article 11, Section A.3 adding a definition for ADU.

Mark Helmer stated that Mr. William R. Andrews is requesting an amendment to the UDO to allow accessory dwelling units in the R20-A. The request will amend: Article 6, Table 6.6 Table of Uses and Activities to allow Accessory Dwelling Units (ADUs) in the R-20A Zoning District with supplementary standards; Article 7 Section 7.3 to add supplementary standards for ADUs; and Article 11, Section A.3 adding a definition for ADU. Mr. Andrews is requesting the UDO amendment at this time so he can obtain a permit to complete the construct an accessory dwelling unit in his barn for his daughter. He had begun the construction with a valid permit for the ADU prior to the town's expansion of the ETJ and was hoping to complete the work at this time to enable his daughter to live in it. His permit application was rejected because ADUs are not permitted within the town's zoning jurisdiction.

In 2020, when the Town Plan approval was being considered by the Town Council, one of the policy recommendations in support of **Objective 5: Encourage a mix of housing types inside the Town Limits** was a policy to allow accessory dwelling units that meet performance-based criteria: With the approval of the Town Plan, the Town Council struck Policy 5C from the document. This requested UDO Amendment is different than the deleted policy in that it would allow

ADUs in the R20-A District only and only on parcels 2 acres or greater, and most of these are located outside of the Town's corporate limits. Permitting ADU's on larger rural lots would allow property owners to enjoy greater utility of their properties without negatively impacting neighbors, while providing needed housing. In the case of Mr. Andrews, it also provides him an opportunity to provide needed housing to his daughter who can then help care for he and his wife. Accessory Dwelling Units are being promoted by the American Planning Association to address the national shortage of affordable housing. The Town has many illegal or legal non-conforming accessory dwellings scattered throughout the town and mostly they go unnoticed without any complaint or issue.

The proposed UDO amendment modifies 3 sections of the UDO:

1. Article 6, Section 6.6 will be amended to allow ADUs as permitted uses with standards in the R-20A District:

2. Article 7, Section 7.3.3 will be added creating the following supplementary standards for ADUs:

7.3.3. Accessory Dwelling Unit (ADU). ADUs are permitted in the R-20A Zoning District on properties that are 2 or more acres in size, have adequate sewer or adequately sized and functioning septic system for the use.

7.3.3.1. An ADU shall be located on the same lot as a principal dwelling and meet both of the following: a. The gross floor area of the accessory dwelling shall be less than the gross floor area of the total principal dwelling.

7.3.3.2. An ADU shall be affixed to or constructed on a permanent foundation and not be a manufactured home or moveable structure.

7.3.3.3. There shall be no more than one ADU on the same lot as a principal dwelling.

7.3.3.4. An ADU shall be accessed by a lockable external entrance.

7.3.3.5. Ownership of an ADU shall not be transferred apart from its principal dwelling unit.

7.3.3.6. An ADU shall have dedicated paved parking area in accordance with Article 10, Part I.

3. A definition for ADU will be added to Article 11, Section A.3:

ARTICLE 11, SECTION A.3 DEFINITIONS.

Accessory Dwelling Unit (ADU).

A self-contained dwelling unit that is located on the same lot as a principal dwelling that meets the supplemental regulations identified in Section 7.3.3. An Accessory Dwelling Unit may be located above a garage. Accessory Dwelling Units may be detached, attached, or internal to the principal dwelling. Only residential uses are permitted in Accessory Dwelling Units.

Debbie Howard asked if the lots had to be a minimum of 2 acres?

Mark Helmer said yes that is correct.

Debbie Howard asked if this was in the city limits?

Mark Helmer said no.

Debbie Howard asked if it could be surveyed separately from the primary residents?

Mark Helmer said no.

Debbie Howard stated that she was good with it.

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

RECOMMENDATION:

Planning Staff recommend approval of the zoning text amendment, ZA-22-05, 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

RECOMMENDED MOTION:

Debbie Howard recommends approval of zoning text amendment, ZA-22-05, 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 Ashley Spain. Unanimously approved

OLD BUSINESS: None

Adjournment

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "Julie Edmonds".

Julie Edmonds
Administrative Support Specialist