

# TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



**Chairman:** Eddie Foy

**Vice-Chairman:** Stephen Upton

## **Members:**

Mark Lane

Jack Matthews

Ashley Spain

Gerald Joyner

Daniel Sanders

Teresa Daughtry

Paul Embler, Planning Director

Mark Helmer, Senior Planner

**Meeting Date:** *Thursday, December 4, 2014*

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

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

**AGENDA  
PLANNING BOARD  
REGULAR MEETING  
DECEMBER 4, 2014  
MEETING TIME: 6:00 PM  
TOWN HALL**

**Call to Order.**

**Approval of the minutes for November 6, 2014.**

**Public Hearing**

**Old Business.**

**Review of proposed Unified Development Ordinance updates thus far**

**New Business.**

**2014 Proposed Unified Development Ordinance updates**

**Adjournment.**

## DRAFT

Smithfield Planning Board Minutes  
Thursday, November 6, 2014  
6:00 P.M., Town Hall, Council Room

### Members Present:

Chairman Eddie Foy  
Mark Lane  
Ashley Spain  
Stephen Upton  
Gerald Joyner  
Daniel Sanders  
Teresa Daughtry

### Members Absent:

### Staff Present:

Mark Helmer, Senior Planner  
Veronica Hardaway, Administrative Support Specialist

### Staff Absent:

### CALL TO ORDER

### APPROVAL OF MINUTES FROM OCTOBER 2, 2014.

Jack Matthews made a motion, seconded by Mark Lane to approve the minutes as written. Unanimous.

### Public Hearings:

After all persons giving testimony were duly sworn, Mr. Foy opened the public hearing.

### ZA-14-04 Town of Smithfield:

Mr. Helmer stated the Town of Smithfield Planning Department is requesting a zoning text amendment to the Town of Smithfield Unified Development Ordinance, Article 19-4, On-premise Signs which allow for properties located within commercial zoning districts with more than one street front one additional ground sign.

Article 19-4 On-Premise Signs (B) On-Premise Signs: Single Tenant Development,

(2) O-I, B-1, B-2, and B-3. Signs allowed within the zoning district may be either:

(A) Two business or product identification signs are allowed per lot, only one of which shall be a freestanding ground sign. Corner lots **and double frontage lots** are allowed one additional attached sign on a separate street frontage **and one additional ground sign on separate street frontage. Additional ground sign shall not to exceed 40 square feet in area and** no lot **shall** ~~to~~ exceed a total of ~~three~~ **four** separate signs. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 75 square feet per face, with two faces per sign allowed. In the event the

freestanding sign is less than the 75 square feet per face allowed, the difference between the 75 feet per face allowed and the size of sign erected may be used to increase the size of the attached sign by that difference. Signs may be internally or externally illuminated.

(3) LI and HI Districts. Signs allowed within the zoning district may be either:

(A) Two business or product identification signs are allowed per lot, only one of which shall be a freestanding ground sign. Corner lots **and double frontage lots** are allowed on additional attached sign **and one additional ground sign on separate street frontage. Additional ground sign shall not to exceed 40 square feet in area and** no lot **shall** ~~to~~ exceed a total of ~~three~~ **four** separate signs. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 125 square feet per face, with two faces per sign allowed. Signs may be internally or externally illuminated.

Mr. Helmer stated the Planning Board is requested to review the request, conduct a public hearing and make a recommendation to Town Council for a zoning text amendment to allow for one additional ground sign on properties with multiple street fronts.

Mr. Foy asked if anyone wanted to speak for or against the proposal. There were none.

Mr. Foy asked if the situation with the hospital's request last week would pertain to this.

Mr. Helmer stated that was an entirely different situation and would not pertain to this text amendment.

Teresa Daughtry asked how this would affect Barbie's lot.

Mr. Helmer stated Barbie's lot wouldn't be affected as they are not on a corner lot.

Daniel Sanders asked if the height requirements would stay the same.

Mr. Helmer stated yes.

Stephen Upton asked if this would affect any stores at the pottery.

Mr. Helmer stated right now this is not extended to shopping centers, but just to single tenants only. This will affect only those with two street lots.

Mr. Foy closed the public meeting for ZA-14-04 and asked for a motion.

Stephen Upton made a motion, seconded by Mark Lane, to recommend approval to rezone a text amendment to the Town of Smithfield Unified Development Ordinance. Unanimous.

The Planning Board reviewed Articles 29 and 30 of the Unified Development Ordinance.

29. **The following amendment will mandate that dumpster screening be constructed from robust material.**

Section 17-3: Bufferyards/Screening

(E) Screening for Dumpsters, Junkyards and Outside Storage Areas.

The following uses shall be screened from the view of any public right-of-way or adjacent property. Screening shall be at least 8 feet in height and may consist of living and nonliving material as specified in this Article.

(1) The rear side of a building where that side abuts a street right-of-way, or any dumpster or trash receptacle storage area used in connection with any business establishment. **Dumpster enclosures shall be constructed of solid masonry construction such as concrete block or brick and shall be of material compatible with the principal building in composition and color.**

30. **This ordinance amendment will further define the minor subdivision and will fill the “acreage gap” between exempt lots and minor lots.**

Article 2, Basic Definitions and Interpretations

(273) Subdivision, Minor. A minor subdivision is a tract to be subdivided which **each new tract** is ~~five (5)~~ **ten (10)** acres or less in size and three or fewer lots result after subdivision:

- (a) all of which front on an existing approved public street;
- (b) not involving any new public streets or public street improvements, right-of-way dedication, or prospectively requiring any new street for access to interior property;
- (c) not requiring drainage improvements or easements to serve the applicant’s property or interior properties;
- (d) not involving any utility extensions; and
- (e) not requiring any easements, other than rear and side lot line easements.
- (f) not creating any new or residual parcels which do not satisfy the requirements of this ordinance.
- (g) not adversely affecting the development of the remainder of the parcel or of adjoining property.

**Old Business:**

No report.

**New Business:**

Mark Lane mentioned to the Board that at the Town Council meeting, a Councilman asked why the Planning Board is recommending approval of requests that are being denied by the Council. The Councilman wanted to know if the Board was doing their due diligence.

Stephen Upton made a motion to adjourn, seconded by Jack Matthews. Unanimous.

Submitted this 2nd day of October, 2014.

Veronica Hardaway  
Administrative Support Specialist  
Planning Department

DRAFT

# UDO Steering Committee Meeting

## November 6, 2014

- 1. The following amendment reflects changes brought on by the recent ETJ expansion.**

### Section 1-4: Jurisdiction

(A) This Ordinance shall be effective throughout the Town’s planning jurisdiction. The Town’s planning jurisdiction comprises the area within the corporate boundaries of the Town as well as the ~~one~~ **two** mile extraterritorial area as shown on the “Official Zoning Map” for the Town of Smithfield. Such planning jurisdiction may be modified from time to time in accordance with NCGS 160A-360.

- 2. This amendment adds the effective date to the ordinance.**

### Section 1-5: Effective Date

The provisions in this Ordinance were originally adopted on December 2, 2008 became effective on February 1, 2009.

- 3. The proposed amendment will add language to allow for newly created lots on easements within the ETJ or R-20A zoning districts.**

### Section 1-16: Street Access

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

- 4. This amendment renames Article 3, Part 1.**

ARTICLE 3. ADMINISTRATIVE MECHANISMS  
PART I. PLANNING ~~AND ZONING~~ BOARD

- 5. This amendment makes minor adjustments by removing the word zoning from the Planning Board’s title.**

### Section 3-3: Meetings

(A) Meetings of the Planning ~~and Zoning~~ Board will normally occur on the first Thursday of the month at a time and place designated by the Board and shall be open to the public. A quorum shall consist of four (4) members of the Board.

**6. This amendment reflects the City Managers proper title.**

Section 3-10: Public Facilities

The Planning Board shall review with the ~~Town~~ **City** Manager and other town officials and report as recommendations to the Town Council upon the extent, location, and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines, and proposals to change existing street lines. However, in the absence of a recommendation from the Planning Board, the Town Council may, if it deems wise, after the expiration of thirty (30) days from the date on which the questions has been submitted in writing to the Planning Board for review and recommendation, take final action.

**7. This amendment shows exactly how the Planning Board works.**

Section 3-14: Creating the ~~Zoning~~ Board of Adjustment

~~A Zoning Board of Adjustment is hereby established and continued. The Board of Adjustment of Smithfield shall consist of \_\_\_\_\_ (\_\_\_\_) regular members. \_\_\_\_\_ (\_\_\_\_) members are to be in town residents who are appointed by the Smithfield Town Council. \_\_\_\_\_ (\_\_\_\_) regular members are to be residents from the area of extraterritorial jurisdiction surrounding the Town of Smithfield who is appointed by the Board of Commissioners of Johnston County. \_\_\_\_\_ (\_\_\_\_) alternate members shall also serve on the Board of Adjustment and the members of the Planning Board shall be additional alternate members of the Board of Adjustment to serve in the unavailability of needed other alternates on a specific date. \_\_\_\_\_ (\_\_\_\_) alternate members shall be in town residents appointed by the Town Council. The remaining alternate members shall be residents from the area of extraterritorial jurisdiction surrounding the Town of Smithfield and shall be appointed by the Board of Commissioners of Johnston County.~~

The Board of Adjustment is hereby established and continued. The Board of Adjustment shall consist of seven (7) members and two (2) alternate members. Five (5) members and one (1) alternate member shall be citizens and residents of the town and shall be appointed by the Town Council. Two (2) members and (1) alternate member shall be citizens and residents of the extraterritorial jurisdiction of the town as described pursuant to GS 160A-362 et seq. and shall be appointed by the County Board of Commissioners. Alternate members shall not be entitled to vote on matters before the Board of Adjustment except when a regular Board of Adjustment member is absent from a duly called meeting. In that situation, the alternate shall have the same privileges as the regular members and may count for quorum purposes and vote if a regular member is absent.

**8. The following change will create a regularly scheduled BOA meeting day.**

Section 3-15: Meetings

The Board shall elect one of its members as Chairman and another as Vice-Chairman who shall serve for one (1) year. The Administrator shall serve as secretary to the Board of Adjustment. The Board shall draw up and adopt the rules of procedures under which it will operate. ~~Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.~~ **Meetings of the Board of Adjustment will normally occur on the last Thursday of the month at a time and place designated by the Board and shall be open to the public. A quorum shall consist of four (4) members of the Board.** The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

**9. This amendment reflects a recent prohibition on moratoria of residential uses.**

Section 3-20: Powers and Duties

**Town Council may** ~~to~~ adopt temporary moratoria on any Town development approval required by law **except for the purpose of developing and adopting new or amended plans or ordinances as to residential uses.** The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the Town Council shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, is subject to the notice and hearing requirements of G.S 160A-364. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160A-417 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site specific or phased development plan approved pursuant to G.S. 160A-385.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the Town prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for

review by the Town prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

10. **The following proposed amendment will adjust the application deadlines to reflect current policy and to allow adequate time to meet North Carolina State law concerning adjacent property notification and local newspaper publication requirements for public meetings and hearings.**

Section 4-1: Amending this Ordinance

(A) Application. An application for any amendment shall contain a description of the proposed zoning regulation or district boundary to be applied. Such application shall be filed with the Administrator ~~not later than ten (10) working days prior to the Planning Board meeting at which the application is to be considered.~~ **no later than the first Friday of the month proceeding the month which the application is to be considered.**

11. **This amendment to the UDO will increase the amount of time before a denied map amendment or text amendment can be resubmitted when no substantial change is made to the proposal.**

Section 4-5: Resubmission of a Denial Petition

No resubmission of a denial petition may be resubmitted within ~~one hundred eighty~~ **seven hundred thirty (180) (730)** calendar days of its previous denial.

12. **The following proposed amendment will adjust the application deadlines to reflect current policy and to allow adequate time to meet North Carolina State law concerning adjacent property notification and local newspaper publication requirements for public meetings and hearings.**

Section 6-2: Notice of Hearing

(A) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice ~~not later than 10 days before the hearing.~~ **no sooner than 25 days and no later than 10 days from the date of public hearing.**

13. **The following amendment will place a requirement on staff to record the Board of Adjustment decisions with the Johnston County Board Register of Deeds within 30 days.**

Section 6-6: Written Decision

In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusion, as well as supporting reasons or facts, whenever this Ordinance requires the same as prerequisite to taking action. **All variances from the Smithfield UDO granted by the Board of Adjustments shall be filled with the Johnston County Register of Deeds within 30 days of the Board's action.**

**14. This amendment will reduce the burden on staff for notifying complainants in writing.**

Section 7-1: Complaints Regarding Violations

Whenever the Administrator receives a ~~written, signed~~ complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, ~~and inform the complainant in writing what actions have been or will be taken.~~

**15. The Planning Board is requested to send written violations**

Section 7-3: Procedures Upon Discovery of Violations

(A) If the Administrator finds that any provision of this Ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.

**16. The Planning Board is requested to have open discussions with staff regarding the need for certified/registered mail. This proposed amendment will allow notice of violation by first class mail.**

Section 7-4: Remedies and Penalties for Violations

(B) Civil Penalty. Violation of this Ordinance subjects the violator to a civil penalty in the amount of one hundred dollars (\$100.00). The Administrator may impose a civil penalty by giving the violator a written citation, either in person or by certified or registered mail, return receipt requested **or first class delivery by US Postal Service.** The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the Town within ten (10) days of the date the citation is received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, the Administrator may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the correction order (or the receipt of the

citation itself in the case of emergency enforcement) shall constitute a separate violation that subjects the violator to additional civil ~~penalty~~ **penalties per violation per day.**

- 17. The Planning Board is requested to discuss with staff the following ordinance which sets the clock running for the thirty day window in which an aggrieved party has to file for an appeal to superior court for a review of a Board of Adjustment decisions. The question is whether recorded actions should be included in this list.**

Section 7-6: Judicial Review

(A) Every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Johnston County by proceedings in the nature of certiorari.

(B) The petition for the writ of certiorari must be filed with the Johnston County Clerk of Court within 30 days after the later of the following occurrences:

(1) A written copy of the board's decision (see Section 6-6) has been filed in the office of the Planning Department, and

(2) A written copy of the board's decision (see Section 6-6) has been delivered by personal service or certified mail, return receipt requested **or first class delivery by US Postal Service**, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

(C) A copy of the writ of certiorari shall be served upon the Town of Smithfield.

- 18. This paragraph appears to empower the Board of Adjustment to issue a use permit for nonconforming uses. However, at its core, it is really authorizing the Board of Adjustment to grant a variance from the permitted use chart in violation of North Carolina State law which explicitly forbids use variances.**

Section 8-4: Change in Kind of Nonconforming Use

~~(C) A nonconforming use may be changed to another nonconforming use only in accordance with a use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the application is made for the permit.~~

- 19. This amendment reflects the City Managers proper title.**

Section 9-4: Maintenance of the Official Zoning Map

Upon notification by the Town Council that a zoning change has been made, the ~~Town~~ **City** Manager shall cause to be made the necessary changes on the official zoning map within fourteen (14) calendar days of notification. The Planning Director shall be responsible for the maintenance and revision of the official zoning map after being notified by the ~~Town~~ **City** Manager.

- 20. This amendment reflects existing State law and Town Policy by requiring an additional 25% to bond amounts to cover contingencies and inflation.**

Section 19-8: Improvements Bond

No final certificate of occupancy/compliance for a commercial, residential, or manufactured home park or planned building group will be issued until all required site improvements have been completed. In lieu of completion of required site improvements, the developer of the planned group may enter into a contract with the Town of Smithfield providing for the installation of required improvements within a designated period of time. Performance of said contract shall be secured by a cash or surety bond which will cover the total estimated cost of the improvements **plus 25%** as determined by the Town of Smithfield; provided, however, that said bond may be waived by the Town Council within its discretion.

- 21. This proposed amendment clarifies and makes distinctions between building setbacks yards, landscape yards, and open space.**

Section 9-6: Minimum **building setbacks yards, landscape** yards or other open spaces required by this Ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

- 22. The following ordinance will increase the side yard building setbacks for accessory structures from 8 feet to 10 feet.**

Article 10-Table of Permitted Uses

Note 5. Accessory Uses or Structures.

...No accessory building or use shall be erected in any required front or side yard or within ten (10) feet of the rear lot line (unless the rear line abuts navigable waters), or within **ten (10)** feet of any side lot line, and no separate accessory building or use shall be erected within ten (10) feet of any other accessory building unless on same property. No accessory building or use may be erected or installed on any lot where a principal building does not exist. No lot shall have in excess of one accessory building. Accessory

building numbers limitation on property are exempt if the property is identified as having farm tax identification number. The side and rear setbacks for farm property shall be the same as other accessory buildings.

- 23. This amendment will call for a variance when varying from the published standard requiring manufactured homes to be placed with the longest side of the home parallel to the front property line.**

Note 13: Manufactured Home on Individual Lots

(A) (7) Manufactured homes, Class A shall be placed so that the longest side of the home is parallel to the front property line of the lot. The Board of Adjustment shall be authorized to consider, as a ~~conditional use~~ **variance request**, a modification to this parallel orientation standard.

- 24. This amendment eliminates the incorrect paragraph that was inserted by mistake.**

~~(B) Existing manufactured homes, Class B, which are located within the R-6 district on the effective date of this Ordinance may be continued and maintained as a nonconforming use provided that any such existing home shall only be replaced by a manufactured home, Class A, which complies with all applicable requirements of this Ordinance. Other manufactured homes existing on the effective date of this Ordinance which are nonconforming uses within the zoning districts in which they are located, may be continued and maintained provided that upon their removal, they shall only be replaced with a use permitted within that district.~~

~~(C)~~ **(B)** Existing manufactured homes, Class A and Class B, which are located within the R-6 district on the effective date of this Ordinance may be continued and maintained as a nonconforming use provided that any such existing home upon their removal, shall only be replaced with a use permitted within the R-6 district. Other manufactured homes existing on the effective date of this ordinance which are nonconforming uses within the zoning districts in which they are located, may be continued and maintained provided that upon their removal, they shall only be replaced with a use permitted within that district.

~~(D)~~ **(C)** Existing manufactured homes, Class A and Class B, which are located within the R-6 district on the effective date of this Ordinance which are damaged or destroyed by fire or an act of God may be replaced and shall comply with the yard, height, parking, loading, access, lot width, lot area, and lot coverage provisions of this Ordinance for the district in which such structure is located unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply, or unless the incomplete nature of the damage would make it more feasible to rebuild in the previous location, in which case the Board of Adjustment is authorized to consider a variance to allow the reconstruction or replacement. In

considering the variance, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of the Ordinance.

**25. This amendment reflects the intent of the above paragraph (B).**

Section 8-3: Extension or Enlargement of Nonconformities

~~(G)~~ **(F)** Notwithstanding paragraph (E), any structure **(except manufactured homes)** used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. ~~In particular, a manufactured home may be replaced with a larger manufactured home, and a “single wide” manufactured home may be replaced with a “double wide”. This paragraph is subject to the limitations stated in Section 8-5 on abandonment and discontinuance of nonconformities.~~

**26. This amendment will permit class B manufactured homes in the R-20A zoning district as a use by right.**

**Article 10 Table of permitted uses.**

ARTICLE 10. TABLE OF PERMITTED / CONDITIONAL USE DISTRICTS																	
PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HI****	AD	OS
MANUFACTURED HOME, CLASS B on individual lot (see Note 13)					C P	P											

**27. This amendment will permit class B manufactured homes in the R-20A zoning district as a use by right.**

**Article 13-18 Table of Regulations for Conditional Uses**

Manufactured Home, Class B ——— R-20A

**28. The following amendment will reflect existing standards that limit the use of manufactured homes for residential purposes only. There is no such thing as a manufactured home office unit.**

Use – ~~Manufactured and~~ Modular Office Units  
 Conditional Use in these Districts: [B-1, B-2, B-3]  
 Minimum Lot Area: None.

Parking: One space for each person employed in the office at any given time during a 24-hour period.

Requirements: A temporary certificate of occupancy/compliance, allowing ~~manufactured homes~~ **modular office units** used solely as offices or for purposes of exhibition to be temporarily parked, maintained, and/or occupied on a designated lot or land location, may be issued by the supervisor of inspection services or his authorized agents where the Town Council finds as a fact that the use of such ~~manufactured home~~ **modular office unit** does not violate the town or state building, electrical, or plumbing codes, or health regulations. All such certificates of occupancy/compliance shall be valid for a period of 12 months, after which they may be renewed upon similar evidence of use of such ~~manufactured home~~ **modular office unit**.

Notwithstanding the foregoing, a certificate of occupancy/compliance may be issued for a ~~manufactured home~~ **modular office unit** for use as a temporary field office for contractors by the Administrator or his authorized agents without approval of the Town Council, if the ~~manufactured home~~ **modular office unit**: (1) And the structure under construction are located on the same property; (2) Is not moved to the site more than 30 days prior to construction and is not removed later than 30 days after construction has been completed;

(3) Is not used for any other purpose other than that connected with on-site construction;

(4) Is justified by the size and nature of the construction project;

(5) Is to be used for a period not to exceed 18 months;

(6) Is utilized only incidental to on-site construction during daylight hours and not for residential living quarters;

(7) Is parked in a location approved in advance by the supervision of inspection service or his authorized agents;

(8) Sanitary facilities are connected with an approved sewer system;

(9) Electrical facilities are connected in compliance with regulations as set forth in the Town of Smithfield Building Code.

Also notwithstanding the foregoing, a certificate of occupancy/compliance may be issued for a ~~manufactured home~~ **modular office unit** for use as a ~~manufactured~~ modular classroom by a public or private school, for a school administrative

~~manufactured~~ modular office, and for a manufactured home sales office without approval of the Town Council, if the ~~manufactured home~~ **modular office unit**:

- (1) Sanitary facilities are connected with an approved sewer system;
- (2) Electrical facilities are connected in compliance with regulations as set forth in the Town of Smithfield Building Code;
- ~~(3) Provisions pertaining to a manufactured home foundation and anchorage of the manufactured home to the foundation, as contained in the State of North Carolina Regulations for Manufactured Homes, 1972 edition, are adhered to.~~

**29. The following amendment will mandate that dumpster screen be constructed from robust material.**

Section 17-3: Bufferyards/Screening

(E) Screening for Dumpsters, Junkyards and Outside Storage Areas.

The following uses shall be screened from the view of any public right-of-way or adjacent property. Screening shall be at least 8 feet in height and may consist of living and nonliving material as specified in this Article.

- (1) The rear side of a building where that side abuts a street right-of-way, or any dumpster or trash receptacle storage area used in connection with any business establishment. **Dumpster enclosures shall be constructed of solid masonry construction such as concrete block or brick and shall be of material compatible with the principal building in composition and color.**

**30. This ordinance amendment will further define the minor subdivision and will fill the "acreage gap" between exempt lots and minor lots.**

Article 2, Basic Definitions and Interpretations

(273) Subdivision, Minor. A minor subdivision is a tract to be subdivided which **each new tract** is ~~five (5)~~ **ten (10)** acres or less in size and three or fewer lots result after subdivision:

- (a) all of which front on an existing approved public street;
- (b) not involving any new public streets or public street improvements, right-of-way dedication, or prospectively requiring any new street for access to interior property;

(c) not requiring drainage improvements or easements to serve the applicant's property or interior properties;

(d) not involving any utility extensions; and

(e) not requiring any easements, other than rear and side lot line easements.

(f) not creating any new or residual parcels which do not satisfy the requirements of this Ordinance.

(g) not adversely affecting the development of the remainder of the parcel or of adjoining property.