

DRAFT
Smithfield Planning Board Minutes
Thursday, August 7, 2014
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman-Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner
Mark Lane
Teresa Daughtry
Jack Matthews
Ashley Spain

Members Absent:

Staff Present:

Paul Embler, Planning Director
Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM JULY 3, 2014.

Stephen Upton made a motion, seconded by Daniel Sanders to approve the minutes as written. Unanimous.

The Planning Board had discussion reviewing the first, six Articles of the Unified Development Ordinance.

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.

The Planning Board decided to table this particular item and will revisit at a later date.

Mark Helmer suggested to the Board to review the subdivision area of the UDO and read definitions.

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 ~~be~~ 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.**

Old Business:

No Report.

Stephen Upton made a motion to adjourn, seconded by Daniel Sanders. Unanimous.

Submitted this 3rd day of July, 2014.

Veronica Hardaway
Administrative Support Specialist
Planning Department