



## **PLANNING BOARD AGENDA**

### ***Members:***

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

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

***Teresa Daughtry (Town)***

***Ashley Spain (ETJ)***

***Doris Wallace (Town Alt)***

***Alisa Bizzell (Town)***

***Michael Johnson (Town)***

***Debbie Howard (Town)***

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

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

***Julie Edmonds, Administrative Assistant***

***Meeting Date: Thursday, February 4, 2021***

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

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

**PLANNING BOARD AGENDA  
FOR REGULAR MEETING  
FEBRUARY 4, 2021  
MEETING TIME: 6:00 PM TOWN HALL**

Call to Order.

Identify voting members.

Approval of the agenda.

Approval of the minutes for January 7, 2021.

New Business.

**ZA-21-01 Saint Ann Catholic Church:** The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 7, Supplemental Regulations as it pertains to columbaria with over 200 niches and other refinements to the existing regulations concerning columbaria.

Old Business.

Adjournment

**Town of Smithfield  
Planning Board Minutes  
Thursday, January 7, 2021  
Town Council Chambers  
6:00 PM**

Members Present:

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Debbie Howard  
Michael Johnson  
Doris Wallace  
Teresa Daughtry

Members Absent:

Ashley Spain  
Alisa Bizzell

Staff Present:

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

**CALL TO ORDER**

**APPROVAL OF AGENDA**

Michael Johnson made a motion, seconded by Doris Wallace to approve the agenda. Unanimously approved

**APPROVAL OF MINUTES** from December 3rd, 2020

Michael Johnson made a motion, seconded by Mark Lane to approve the minutes as written. Unanimously approved

**NEW BUSINESS:** None

**OLD BUSINESS:**

**ZA-20-05 Town of Smithfield:** The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Articles 1, 2, 8, 9 10, and Appendix A to incorporate 160D enabling legislation changes and corrections to text designed to reduce ambiguities and provide additional clarity.

Mark Lane had a question about Article 8 Section 8.13.4.

***8.13.4. All buildings in the Central Business and Highway Entranceway Business Districts shall be permanent fully enclosed construction. Portable, open air, shed type structures shall be prohibited.***

He asked if Highway 70 Business going toward Goldsboro is considered Highway Entrance?

Mr. Wensman said no, this would only apply to the business districts.

Mark Helmer stated that bonified farm structures are exempt from regulation. We regulate setbacks but they don't have to meet building code.

Mark Lane had a question about Article **10.2.3.1** Vehicles intended for personal use may be parked or stored on property zoned for residential use on a driveway surface with blacktop, concrete, brick or other similar dust-free material.

Mr. Wensman said that was the article that we were going to add with the exception of R-20A.

Mark Lane had a question about Article **10.6.2.1** A continuing indemnity bond with sufficient surety acceptable to the town may be required of the party performing the work. All work must be done in conformity with the standards established herein. He asked Mr. Wensman to explain what the indemnity bond was.

Mr. Wensman said if your plans call for something and you're not installing it right away, this bond would be required. For example, if a business wants a CO but they didn't install any landscaping; the bond would then be required.

Mr. Lane said this wouldn't apply to residential?

Mr. Wensman said yes if it's in a subdivision because it would have a sidewalk requirement.

Mr. Lane said he wanted to make sure someone didn't need a put up a bond to install a driveway.

Mark Lane had a question about 10.13.2.1 he asked what the requirement was for the foundation plants.

Mr. Wensman said it's based on the square footage of the building. If a building has ceiling to floor windows like an architectural feature, I'd never asked them to place shrubs in front of an architectural feature. If you have blank walls without windows it makes more sense to have foundation plants.

Mark Lane said he is asking about this because he noticed a new rental property in town that only had 2 or 3 bushes planted out front.

Mr. Wensman asked if this was a residential or commercial property.

Mr. Lane said residential.

Mr. Wensman said residential doesn't have a landscaping requirement.

Mr. Lane said there needs to be one.

Teresa Daughtry asked if most towns didn't have a residential landscaping requirement.

Mr. Wensman said no, but we will look at other towns and report back to you guys at the next meeting.

Mark Lane said his last concern was the town requiring entrance signs at the front of subdivisions. He feels like that should be a requirement.

Teresa Daughtry agreed and said it makes the area look much better. If you're spending \$300,000 for your house, you should have a nice sign showing where you live. If nothing else, to help friends or family find you.

Mr. Wensman has never seen an ordinance that requires entranceway signs for subdivisions, he offered to put it in tonight as an ordinance amendment and it can be before Town Council approval.

Doris Wallace recommended the Town Council approval of zoning text amendment ZA-20-05 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 Teresa Daughtry. Unanimously approved.

Mr. Wensman suggested the board amend the recommendation to include subdivision entrance signs.

Doris Wallace recommended the Town Council approval of zoning text amendment ZA-20-05 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 requiring one subdivision entrance sign; seconded by Mark Lane. Unanimously approved.

#### Adjournment

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

Next Planning Board meeting is February 4th, 2021 at 6pm.

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist



# Request for Planning Board Action

Agenda  
Item: ZA-21-01  
Date: 02/04/2021

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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 Article 7, Section 7.46 as it pertains to columbaria.

## 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-21-01 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: 21-01

## REQUEST:

St. Ann's Church is requesting an amendment to Article 7, Section 7.46 as it pertains to columbaria.

## ANALYSIS:

The Town Council recently adopted regulations for columbaria. After the ordinance was approved, St. Ann's found their planned columbaria was going to be in violation of the newly adopted regulations and is requesting changes to the ordinance:

1. Allow columbaria visible from the public right-of-way to be 1-foot taller than the allowed maximum 6-foot height limit
2. Refining access requirements in 7.35.1.1
3. Increasing the allowed number of columbaria with a special use permit
4. Amending the perpetual care and maintenance trust fund requirements with annual reporting
5. Using the term niches for an urn place
6. Requiring clear title on land used for columbaria
7. And other minor clarifications.

**Columbaria Height.** St. Ann's planned columbaria will be 1-foot taller than the allowed maximum 6-foot height limit when visible from the public right-of-way. Staff feels the one-foot height difference is insignificant and supports this change.

**Access Requirements.** The purpose of the access requirements is to ensure access for maintenance. The proposed refinements to the ordinance clarify that purpose and access requirements.

**Trust Fund.** St. Ann's is requesting changes to the trust fund requirement. The diocese currently charges \$4000 a niche and requires 15% of the sales prices be placed in an endowment for future maintenance. With a planned 2000 niches, St. Ann's will have an endowment for perpetual care of \$1,200,000 when the columbaria is built out. St. Ann's is proposing that with a special use permit, the Town Council could set an alternative percentage of the sales priced be retained for perpetual care, not less than 15% of the sales price. The proposed change to the endowment would only affect columbaria that are

greater than 200 niches, leaving the 50% funding requirement for columbaria that are smaller than 200 niches.

**Other Changes.** St. Ann's also reviewed the ordinance from the perspective of experience in constructing and managing columbaria (diocese perspective) and offered additional requested refinements to the ordinance such as:

- Using the term niches for an urn place
- Requiring clear title on land used for columbaria
- And other minor clarifications.

Staff is in support of the amendment. The special use permit requirement for columbaria over 200 gives the Council oversight and an ability to mitigate any related issues. The difference in height between 6' or 7' is inconsequential. Allowing discretion in determining a lesser trust fund amounts for large columbaria (+200) allows the Council to take into consideration economies of scale, the financial solvency of the institution, its record or lack of record maintaining properties under its control and/or other circumstances.

**CONSISTENCY STATEMENT:**

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 recommends the Planning Board recommend approval of the zoning text amendment, ZA-21-01, with a statement declaring the request is 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 motions:

*“move to recommend approval of zoning text amendment, ZA-21-01, amending the supplementary standards for columbaria finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”*

**DRAFT ORDINANCE # ZA-21-01**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 7 SUPPLEMENTAL REGULATIONS**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance as it pertains to columbaria and urn plots as an accessory use to churches and places of worship; and

**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; and

**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 7 supplemental regulations for columbaria.

**PART 1**

**SECTION 7.35 COLUMBARIUM.**

~~A columbarium, an~~ An indoor or outdoor columbaria and/or urn plots columbarium, an outdoor columbarium, or an urn plot, shall be permitted as accessory uses to churches and places of worship accordance with Section 6.5 and subject to the following standards:

**7.35.1.** Any ~~church or place of worship~~ place of worship may establish an indoor columbarium, ~~and/or~~ an outdoor columbarium, ~~and/or~~ or an urn plot as an accessory structure as an accessory to its permitted use provided the following are submitted to the Planning Department and approved:

**7.35.1.1.** A site plan of the proposed area approved by the Planning Department where the columbarium or urn plots are to be located showing the location of each niche or urn, the dimensions of the space, and a 20-foot access area for maintenance ~~and visitation~~ that has relatively flat and firm topography such that maintenance equipment could access the burial area. The 20-foot access area shall be adjacent to the columbarium or urn plot and shall be accessed from a public right-of-way, private drive, or parking lot. Vehicular access internal to the columbarium or urn plot is not allowed. Internal access shall be limited to handicapped pedestrian access only. In addition to the site plan, construction drawings prepared by a licensed architect, engineer, or landscape architect. Construction drawings shall show dimensions, materials, and details.

**7.35.1.2.** A special use permit is required for columbaria with greater than 200 niches.

**7.35.1.3.** A plan of perpetual care and maintenance trust fund is required for a columbarium or urn plot. Funding of the trust fund must occur as niches or urn plots are sold. The church or place of worship shall submit an annual report to the Town of Smithfield Planning Department showing sales, receipts, and expenditures. The reporting period is January 1<sup>st</sup> to December 31<sup>st</sup>. Annual reports are due on April 1<sup>st</sup> for columbaria or urn plots. Fifty (50) percent of the sales price of a niche or urn plot must be deposited in the trust fund for columbaria with 200 niches or urn plots or less. With a special use permit for columbaria with greater than 200 niches, the Town Council shall establish the percentage of the sales price to be retained. In no case shall the percentage be less than fifteen (15) percent of the sales price. The church or place of worship may spend up to three (3) percent of the trust fund for maintenance of the columbarium or urn plot on an

~~annual basis, to be available if the Institution closes or no longer operates the columbarium or urn plot which is segregated for just the columbarium or urn plot with funds retained from half the price of each urn. The place of worship may spend annually from the fund 3% of the trust fund.~~

**7.35.2.** All Indoor Columbaria within the building of a church or place of worship must comply with the following physical requirements:

**7.35.2.1. Alternate Plan.** The church or place of worship must present a plan with a dedicated outside area with clear title and able to comply with Section 7.35.1.1 for interment of the urns in the event the church or place of worship ceases to operate or manage the columbarium.

**7.35.2.2.** Shall meet the NC Building Code and be constructed of masonry, natural stone or concrete.

**7.35.3.** All Outdoor Columbaria must comply with the following physical requirements:

**7.35.3.1. Location.** A columbarium must be located outside a building on land owned and occupied by a church or place of worship as defined by the Unified Development Ordinance, Appendix A. Land shall have a clear title and meet the requirements of Section 7.35.1.1.

**7.35.3.2. Height.** Outdoor columbaria must be no higher than ~~six (6)~~ seven (7) feet as measured from the average grade elevation where a columbarium meets the grade. An outdoor columbarium that is not visible from off-property public is not subject to the ~~six (6)~~ seven (7) feet requirement and may be higher.

**7.35.3.3. Setback.** Columbarium structures shall meet the setback and yard requirements of the underlying zoning district.

**7.35.3.4. Appearance.** A columbarium shall be complementary to the primary structure and consistent of natural stone, concrete or masonry construction. ~~design with the primary structure.~~

**7.35.3.5. Signage.** Signage shall be limited to inscriptions on the face of a columbarium niche and commemorative plaque on the columbarium structure. Commemorative plaques may be no larger than 12 inches by 12 inches.

**7.35.3.6. Number.** The columbaria must have spaces for no more than 200 urns except when a greater number is approved by the Town Council with a special use permit.

**7.35.4.** All Outdoor Urn Plots must comply with the following physical requirements:

**7.35.4.1. Location.** An outdoor urn plot must be located outside a building owned and occupied by a church or place of worship as defined by the Unified Development Ordinance, Appendix A. Land shall have a clear title and shall comply with Section 7.35.1.1.

**7.35.4.2. Setback.** Outdoor urn plot structures shall meet the setback and yard requirements of the underlying zoning district.

**7.35.4.3. Appearance.** Urn plot shall be complementary or consistent in ~~material and~~ design with the primary structure.

**7.35.4.4. Number.** The church or place of worship ~~shall not provide~~ shall have no more than 100 urn plot spaces ~~for more than 100 spaces.~~

**7.35.4.5. Signage.** Signage shall be limited to one inscribed stone per urn plot inscriptions ~~on the face of a urns in the ground with one sign~~ not exceeding 2 sq. ft.

**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 \_\_day of \_\_\_\_ 2021.

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

ATTEST

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



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

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

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

**APPLICANT INFORMATION:**

St. Ann Catholic Church, Paul Emblar	4057 US 70 Business.....
_____	_____
Petitioner's Name	Address or PO Box
Clayton, North Carolina 27520.....	Church 919 934 2084, Paul E. 919 219 3410
_____	_____
City, State, Zip Code	Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:  
 Article 7 Supplemental Regulations (see attachment).....

(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

January 14, 2021.....  
 Date

**FOR OFFICE USE ONLY**

File Number: ZA-21-01 Date Received: 1/14/21 Amount Paid: 0



**PLANNING DEPARTMENT**

Stephen Wensman, AICP, RLA  
Planning Director

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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, February 4, 2021 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**ZA-21-01 Saint Ann Catholic Church:** The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 7, Supplemental Regulations as it pertains to columbaria with over 200 niches and other refinements to the existing regulations concerning columbaria.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at [www.smithfield-nc.com](http://www.smithfield-nc.com).

Run Legal ad in the Johnstonian News on January 20, 2021.

# AFFIDAVIT OF PUBLICATION

**Johnstonian News**  
614 E. Market St.  
(919) 284-2295

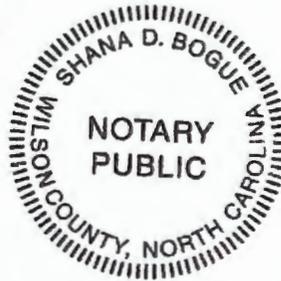
I, Aaron Downen, of lawful age, being duly sworn upon oath, deposes and says that I am the Legals Rep of Johnstonian News, a publication that is a "legal newspaper" as that phrase is defined for the city of Smithfield, for the County of Johnston, in the state of North Carolina, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

**PUBLICATION DATES:**  
Jan. 20, 2021

**Notice ID:** lr1n6kYVIUOZ9IQDBsJP  
**Notice Name:** TOS January Planning Board

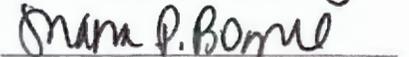
**PUBLICATION FEE:** \$39.97

  
Legals Rep



**VERIFICATION**  
STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON

Signed or attested before me on this  
21 day of January, A.D. 2021.

  
Notary Public  
**My Commission Expires:** 12/15/2024

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Run Legal ad in the Johnstonian News on January 20, 2021

*The Johnstonian*  
January 20, 2021