



Mayor

M. Andy Moore

Mayor Pro-Tem

Roger A. Wood

Council Members

Marlon Lee

Sloan Stevens

Travis Scott

David Barbour

John A. Dunn

Stephen Rabil

Town Attorney

Robert Spence, Jr.

Town Manager

Michael L. Scott

Finance Director

Andrew Harris

Town Clerk

Shannan Parrish

Town Council

Agenda

Packet

Meeting Date: Tuesday, July 16, 2024

Meeting Time: 7:00 p.m.

Meeting Place: Town Hall Council Chambers

350 East Market Street

Smithfield, NC 27577



**TOWN OF SMITHFIELD
TOWN COUNCIL AGENDA
JULY 16, 2024
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Page

Public Hearings:

- 1. Rezoning Request- 400 Brightleaf (RZ-24-06) :** David Dupree of Market Street Investments is requesting the rezoning of 3 parcels: a .89-acre parcel (Johnston County Tax ID 15015033) in the O/I-Office Institutional Zoning District, a .15-acre (Johnston County Tax ID 15016033) and .14-acre parcel (Johnston County Tax ID 15016032) in the R-6-High Density Single, Two and Multi-family Zoning District to the B-3-Highway Entranceway Business Zoning District.
(Planning Director – Stephen Wensman) See attached information.....1

- 2. Unified Development Ordinance Amendment – Multifamily in the B-3 Amendment (ZA-24-02):** Planning Staff are requesting an amendment to the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to remove the multi-family land use from the B-3 Zoning District entirely.
(Planning Director – Stephen Wensman) See attached information.....17

Citizens Comments

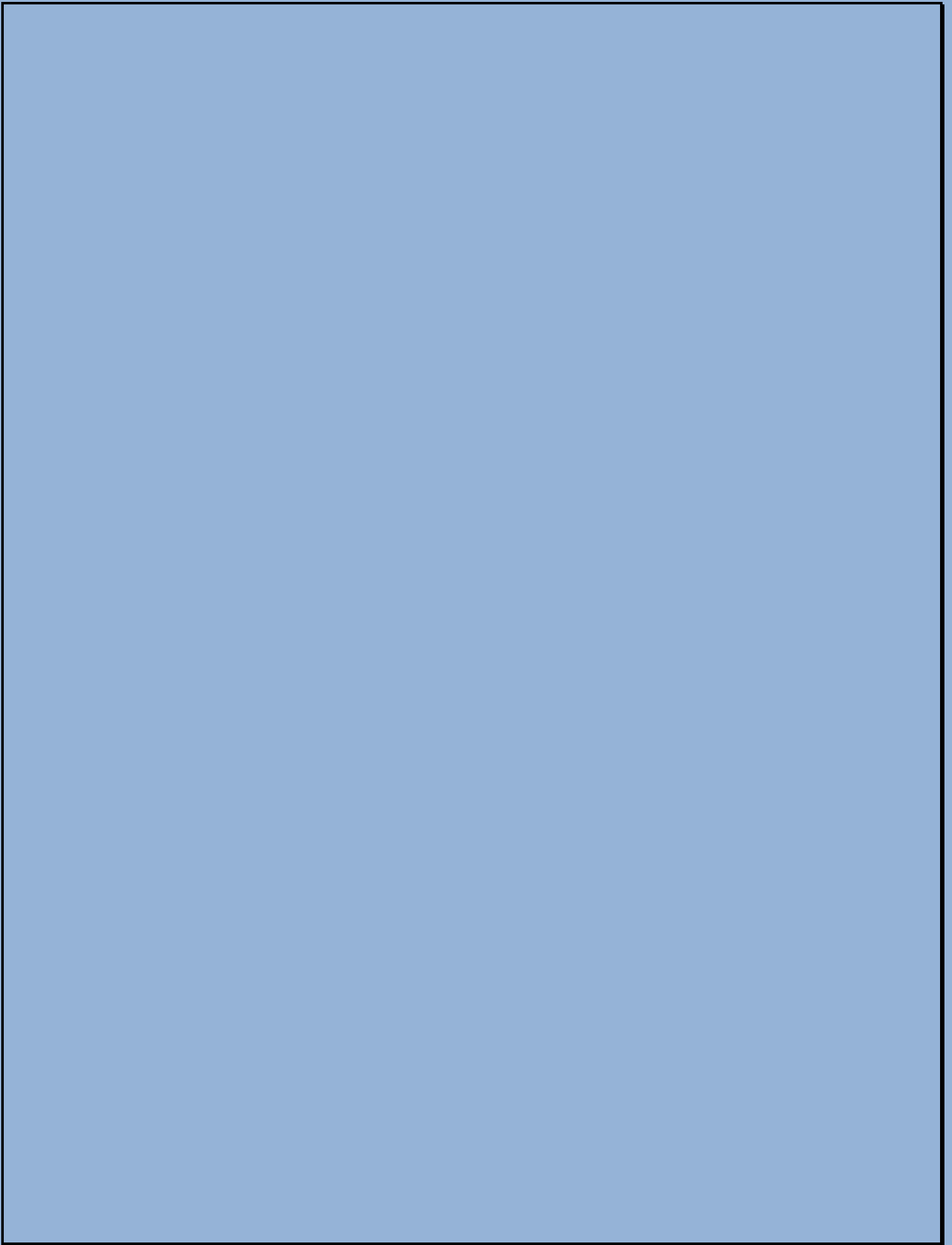
Consent Agenda Items: None

Business Items:

- 1. Consideration and request for approval to amend the Fee Schedule due to the increase in landfill tipping fees by Johnston County**
(Town Manager – Michael Scott) See attached information.....25

Adjourn

Public Hearings





Request for Town Council Action

**Public
Hearing** RZ-24-06
Date: 07/16/2024

Subject: Zoning Map Amendment
Department: Planning Department
Presented by: Planning Director – Stephen Wensman
Presentation: Public Hearing

Issue Statement

To review the application to rezone 3 parcels; one parcel in the O/I-Office Institutional and two in R-6--High Density Single, Two and Multi-family Zoning District to the B-3-Highway Entranceway Zoning District.

Financial Impact

None.

Action Needed

The Town Council is respectfully requested to hold a public hearing to review the zoning map amendment and to decide whether to approve or deny the request.

Recommendation

Planning Staff recommends approval of zoning map amendment, RZ-24-06, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended, and other adopted plans, and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
3. Consistency Statement
4. Application
5. Resolution No. 673 (01-2021) - Street Closing Order
6. Zoning Map



Staff Report

Public Hearing: RZ-24-06

REQUEST:

David Dupree of Market Street Investments is requesting the rezoning of 3 parcels: a .89-acre parcel (Johnston County Tax ID 15015033) in the O/I-Office Institutional Zoning District, a .15-acre (Johnston County Tax ID 15016033) and .14-acre parcel (Johnston County Tax ID 15016032) in the R-6--High Density Single, Two and Multi-family Zoning District to the B-3-Highway Entranceway Business Zoning District.

PROPERTY LOCATION:

The properties are located at the south-east corner of North Brightleaf Boulevard and Hancock Street.

SITE DATA:

Owner/Applicant:	David Dupree, Market Street Investments
Tax ID#	15015033, 15016033 and 15016032
Acreage:	1.18-acres (.89, .15 and .14 acres)
Present Zoning:	O/I (Office-Institutional) and R-6 (High Density Single, Two and Multi-family)
Proposed Zoning:	B-3 (Highway Entranceway Business)
Existing Use:	Vacant
Proposed Use	Commercial
Town/ETJ:	Town
Fire District:	Smithfield
School Impacts:	None
Parks and Recreation:	None
Water Provider:	Smithfield
Sewer Provider:	Smithfield
Electric Provider:	Smithfield

EXISTING CONDITIONS/ENVIRONMENTAL:

There are no known environmentally sensitive areas on this property.

ADJACENT ZONING AND LAND USES: (see attached map for complete listing)

	Zoning	Existing Land Uses
North-West	O/I Office Institutional	Hospital
South	HI-Heavy Industrial	Industrial
East	B-3 Business/R-6 Residential	Drug Store/Single-Family Residential
South-West	B-2 Business	Commercial Contractors and vacant

ANALYSIS:

- **Comprehensive Plan.** The Town Plan (comprehensive plan) guides this property for Medium Density Residential. The property sits at the juncture of several zoning districts and land uses. The intent of the residential land use designation may have to grow and protect the residential area by providing multi-family residential conveniently located by the hospital, drug store and other uses. The size and shape of the development site, required setbacks, existing electrical easement, vehicular access, and the volumes of traffic on Brightleaf make the land uses envisioned in the comprehensive plan unfeasible. The site will be difficult for development of any land use, but commercial-office uses are likely most feasible.
- **Site Analysis Details.**

The proposed rezoning site consists of 3 parcels. The largest was historically used for commercial but has been vacant for years. In 2021, Market Street Investments purchased the adjacent residential parcels to enlarge the development site. Also in 2021, the applicant petitioned for the closure of Nineth Street. In February 2021, the Council adopted Resolution 673 closing N. Nineth Street, although closed, there remains a 30' wide utility easement in the former right-of-way.

The site is triangular and has a 50' building setback from Brightleaf Boulevard, has a 30' utility easement bisecting it, and has vehicular access restrictions. The access to the site will be restricted to the right-in, right-out shared with Walgreens, or from Hancock Street.

The adjacent property located at 903 Hancock Street, to the east of the properties to be rezoned is a vacant residentially zoned parcel owned by Evanston Smithfield II LLC, the same entity that owned the Walgreens site. The house on this property was removed after it was purchased by Evanston Smithfield II LLC in 2011.

Proposed Zoning. The B-3 Zoning District is the town's most expensive and permissive district with many permitted office and commercial uses and some special uses

including multi-family. The B-3 zoning being the most permissive which will help the owner market the property for development.

CONSISTENCY STATEMENT (Staff Opinion):

With approval of the rezoning, the Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

- **Consistency with the Comprehensive Growth Management Plan** - *The map amendment is consistent with the comprehensive growth management plan as hereby amended.*
- **Consistency with the Unified Development Code (UDO)** – *the site will be developed in accordance with the UDO*
- **Compatibility with Surrounding Land Uses** – *the map amendment will not affect the compatibility with surrounding land uses. The site sits at the juncture of several different zoning districts and land uses and the adjacent property is vacant and owned by an LLC.*

RECOMMENDATION:

Planning Staff recommends approval of zoning map amendment, RZ-24-06, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, as hereby amended, and other adopted plans, and that the amendment is reasonable and in the public interest.

RECOMMENDED MOTION:

“Move to approve zoning map amendment, RZ-24-06, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended and other adopted plans, and that the amendment is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-24-06**

Whereas the Smithfield Town Council, upon acting on a zoning map 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 map 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 APPROVE THE ORDINANCE IS ADOPTED,

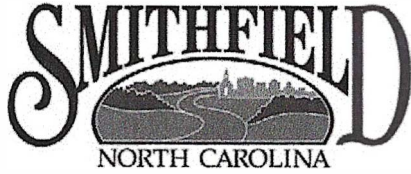
That the final action regarding zoning map amendment RZ-24-06 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public meeting; 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 map 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 and information provided at the public meeting. Therefore, the amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE FAILS,

That the final action regarding zoning map amendment RZ-24-06 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 map 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

REZONING APPLICATION

Pursuant to Article 4, Section 4-1 of the 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. Rezoning applications must be accompanied by one (1) application, one (1) required plan, an Owner's Consent Form (attached), (1) electronic submittal and the application fee.

Name of Project: 400 Brightleaf Blvd Dupree Acreage of Property: 1.21 acres
 Parcel ID Number: 15015033 / 15016033 / 15016032 Tax ID: _____
 Deed Book: 05815 Deed Page(s): 0688
 Address: 400 N Brightleaf Blvd
 Location: adjacent to Walgreens

Existing Use: empty lot Proposed Use: empty lot
 Existing Zoning District: I/O and residential
 Requested Zoning District: B3
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	Amount Paid: _____
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OWNER INFORMATION:

Name: MARKET STREET INVESTMENTS
Mailing Address: 18825 W Catawba Ave #250 Cornelius NC 28031
Phone Number: 704-361-4513 Fax: _____
Email Address: david@bcbinvestments.com

APPLICANT INFORMATION:

Applicant: DAVID DUPREE MARKET STREET INVESTMENTS
Mailing Address: 18825 W Catawba Ave 250 Cornelius NC 28031
Phone Number: 704-361-4513 Fax: _____
Contact Person: David Dupree
Email Address: david@bcbinvestments.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:

- A map with metes and bounds description of the property proposed for reclassification.
- A list of adjacent property owners.
- A statement of justification.
- Other applicable documentation: _____

STATEMENT OF JUSTIFICATION

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

would like to rezone to conform to surrounding zoning

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject zoning map amendment. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

DAVID DUPREE
Print Name


Signature of Applicant

5/24/24
Date



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

OWNER'S CONSENT FORM

Name of Project: 400 Brightleaf Blvd - Duplex Submittal Date: 5/21/24

OWNERS AUTHORIZATION

I hereby give CONSENT to _____ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Signature of Owner *Print Name* *Date*

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

 DAVID DOREE 5/24/24
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

**TOWN OF SMITHFIELD
RESOLUTION No. 673 (01-2021)
ORDERING THE CLOSING OF THAT PORTION OF
NORTH NINTH STREET FROM HANCOCK STREET TO ITS TERMINATION 102.48 FEET SOUTH OF
BRIGHTLEAF BOULEVARD**

WHEREAS, on the 1st day of December 2020 the Town Council adopted a resolution entitled "Resolution Declaring the Intent of the Town Council of the Town of Smithfield to Consider the Closing of a portion of North Ninth Street extending from Hancock Street to its termination 102.48 feet South of BrightLeaf Boulevard in Smithfield, North Carolina at its next regular monthly meeting, hereinafter "the Meeting", on Tuesday January 5, 2021 at 7 pm at the town hall in Smithfield, NC; and

WHEREAS, pursuant to the Resolution the Town Clerk was directed to publish the Resolution in the Johnstonian News once each week for four successive weeks; and

WHEREAS, the Town Clerk has advised the Town Council that the Resolution was published in the Johnstonian News as directed; and

WHEREAS, pursuant to the Resolution the Town Clerk was directed to notify all persons owning property abutting on that portion of North Second Street between Hancock Street and Brightleaf Boulevard, as shown on the county tax records by certified or registered mail of the Meeting and the purpose thereof; and

WHEREAS, pursuant to the Resolution the Town Clerk was directed to cause adequate notices of the proposed closing and of the public hearing to be posted at two locations on the public way as required by G.S. 160A-299; and

WHEREAS, the Town Clerk has advised the Town Council that adequate notices were posted on the applicable street(s) as required by G.S. 160A-299; and

WHEREAS, pursuant to the Resolution, a public hearing was held on the 5th day of January 2021, at which time all persons were granted full and complete opportunity to appear and be heard on the question of whether or not the closing would be detrimental to the public or the property rights of any individual; and,

WHEREAS, the Town utilities are located within the public right-of way and the Town wishes to retain a utility easement therefore; and,

WHEREAS, after said public hearing and after full and complete consideration of the matter, it now appears to the satisfaction of the Town Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property; and

NOW, THEREFORE, subject to the reservation of easements to the Town of Smithfield for utility purposes as shown on a map recorded in Book of Maps PLAT B: 92 , page 371 in the office of the Johnston County Register of Deeds, the portion of Ninth Street from Hancock Street extending north to the termination of Ninth Street 102.48 feet South of Bright Leaf Boulevard is hereby closed and abandoned, and all right, title, and interest that may have been vested in the public in said area for street purposes is hereby released and abandoned to the abutting property owners in accordance with the provisions of G.S. 160A-299. The portion of the Street abandoned, subject to the reservation of easements through the abandoned street for utility purposes by the Town of Smithfield, is more particularly described as follows:

Legal Description for Right of Way Closure for a portion of North Ninth Street

Lying and being in the Town of Smithfield, Smithfield Township, Johnston County, North Carolina and being more particularly described as follows:

Being at a Existing Iron Pipe (EIP) a point in the southern property line of Now or Formerly Evanston Smithfield JI, LLC (Walgreens) (see Plat Book 67, Page 179 and Plat Book 67, Page 178) said point having NC Grid Coordinates of

N=641,910.3871, E=2, 197,673.9224 (NCGS VRS, NAO 1983 (2011) GEOID 12A) thence along the southern line of Walgreens, N62°19'38"W 67.33' to an EIP in the eastern Right of Way of N Ninth Street (30' RJW see Plat Book 4, Page393) a comer with now or formerly Lot 102 (PB 4, PG 393; DB 5502, PG 834) the TRUE point of beginning, thence with the eastern right of way of N Ninth Street S27°23'26"W 166. 76' to an EIP on the northern right of way of Hancock Street

(50' RIW, see PB 4, PG 393 and PB 58, PG 322) a comer with Lot 101 (PB 4, PG 393; DB 5502, PG 842) thence N62°03'00"W 30. 00' to an EIP on the western RJW of N Ninth Street, a comer with now or formerly Market Street Investors (DB 5498, PG 675) thence with the western right of way of N Ninth Street

N27°23'26"E 166. 61' to an existing iron rebar (ERB), thence S62°19'38"E 15. 00' to a magnetic nail set (MNS), said point being the southwest comer of Walgreens, thence S62°19'38"E 15.00' to the point and place of beginning and containing 5,000 SF± as shown on a plat prepared by Jimmy Barbour Surveying, PA, entitled Recombination Map for: Market Street Investors dated 10-7-2020 and being recorded in Plat Book Page Johnston County Registry.

Upon closing, the right-of-way vests in the adjoining property owners, each taking property from the centerline to their respective boundary. If the owners want to divide the right-of-way differently, they must themselves make that division by boundary agreement or conveyance. Any person aggrieved by the street closing, who has standing, has 30 days to appeal.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Johnston County a certified copy of this resolution and order.

This the 5th day of January, 2021, at 7 o'clock p.m.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor

400 N Brightleaf to B-3

File Number:
RZ-24-06

Project Name:
400 Brightleaf to B-3

Location:
NE Intersection of
Hancock and
N Brightleaf

Tax ID#:
15015033
15016033
15016032

Existing Zoning:
O&I / R-6

Owner/Applicant:
David Dupree
Market Street
Investments



1 in = 62 ft
Map created by Chloe Allen
Planner I on 7/1/2024





Request for Town Council Action

Public Hearing: ZA-24-02
Date: 07/16/2024

Subject: Zoning Text Amendment
Department: Planning Department
Presented by: Planning Director – Stephen Wensman
Presentation: Public Hearing

Issue Statement

Request by Staff to amend the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to remove multi-family land use from the B-3 Zoning District.

Financial Impact

None.

Action Needed

The Town Council is respectfully requested to hold a public hearing and to decide whether to recommend approval, approval with changes, or to recommend denial of the request.

Recommendation

Planning Staff recommend the Town Council approve zoning text amendment ZA-24-02 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

Public Hearing: ZA-24-02

REQUEST:

Request by Staff to amend the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to remove the multi-family land use from the B-3 Zoning District entirely.

OVERVIEW:

Multi-Family is a special use with supplementary standards in most residential and commercial zoning districts including the B-3 zoning district. As an alternative to a special use permit, a developer can request a conditional rezoning (such as B-3 CZ). The B-3 Zoning District is the most expansive zoning district in that it allows the greatest variety of land uses including intensive uses such as car dealerships, contractor yards, warehousing and more, not always appropriate adjacent uses for multi-family residential. This ordinance amendment would remove multi-family as use in the B-3. If a developer wished to pursue such a use, a rezoning to a different zoning district would be required. This ordinance will give the Town Council more control over where multi-family uses can be located.

Adoption of this ordinance will result in making some existing multi-family residential legal non-conforming.

DRAFT AMENDMENT:

Sec. 6.6. Tables of Uses and Activities—Primary Zoning Districts.

Uses	Primary Zoning Districts												
	R-20A	R-10	R-8	R-6	R-MH	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AHH	Supplemental Regulations
RESIDENTIAL													
Residential Cluster development	PS	PS	PS										Section 7.34
Dwelling, single-family attached (townhomes)/multi-family/condominiums			SS	SS	SS	SS	SS	SS	SS				Section 7.35
Dwelling, single-family detached	P	P	P	P	P	S		S					
Dwelling, two family (duplex) on single lot			P	P		S		S					

CONSISTENCY STATEMENT (STAFF OPINION):

Staff finds the zoning text 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.

RECOMMENDATION:

Planning Staff recommend approval of the zoning text amendment ZA-24-02, 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:

“Move to approve zoning text amendment, ZA-24-02, amending Article 10, Section 6.6, 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-24-02
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 10, SECTION 6.6 TABLE OF USES AND ACTIVITIES
TO STRIKE MULTI-FAMILY LAND USES FROM THE B-3
DISTRICT.

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 6.6 Table of uses and activities.

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 6.6 to strike multi-family residential land use from the B-3 zoning district]

Sec. 6.6. Tables of Uses and Activities—Primary Zoning Districts.

...

Uses	Primary Zoning Districts												Supplemental Regulations	
	R-20A	R-10	R-8	R-6	R-MH	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AHH		
RESIDENTIAL														
Residential Cluster development	PS	PS	PS											Section 7.34
Dwelling, single-family attached (townhomes)/multi-family/condominiums			SS	SS	SS	SS	SS	SS	SS					Section 7.35
Dwelling, single-family detached	P	P	P	P	P	S		S						
Dwelling, two family (duplex) on single lot			P	P		S		S						

...

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 16th day of July, 2024.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

DRAFT

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
ZA-24-02**

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-24-02 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-24-02 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:

Town of Smithfield	350 East Market Street
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:
Amend UDO Section 6.6 removing MF from the B-3 Zoning District

(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.

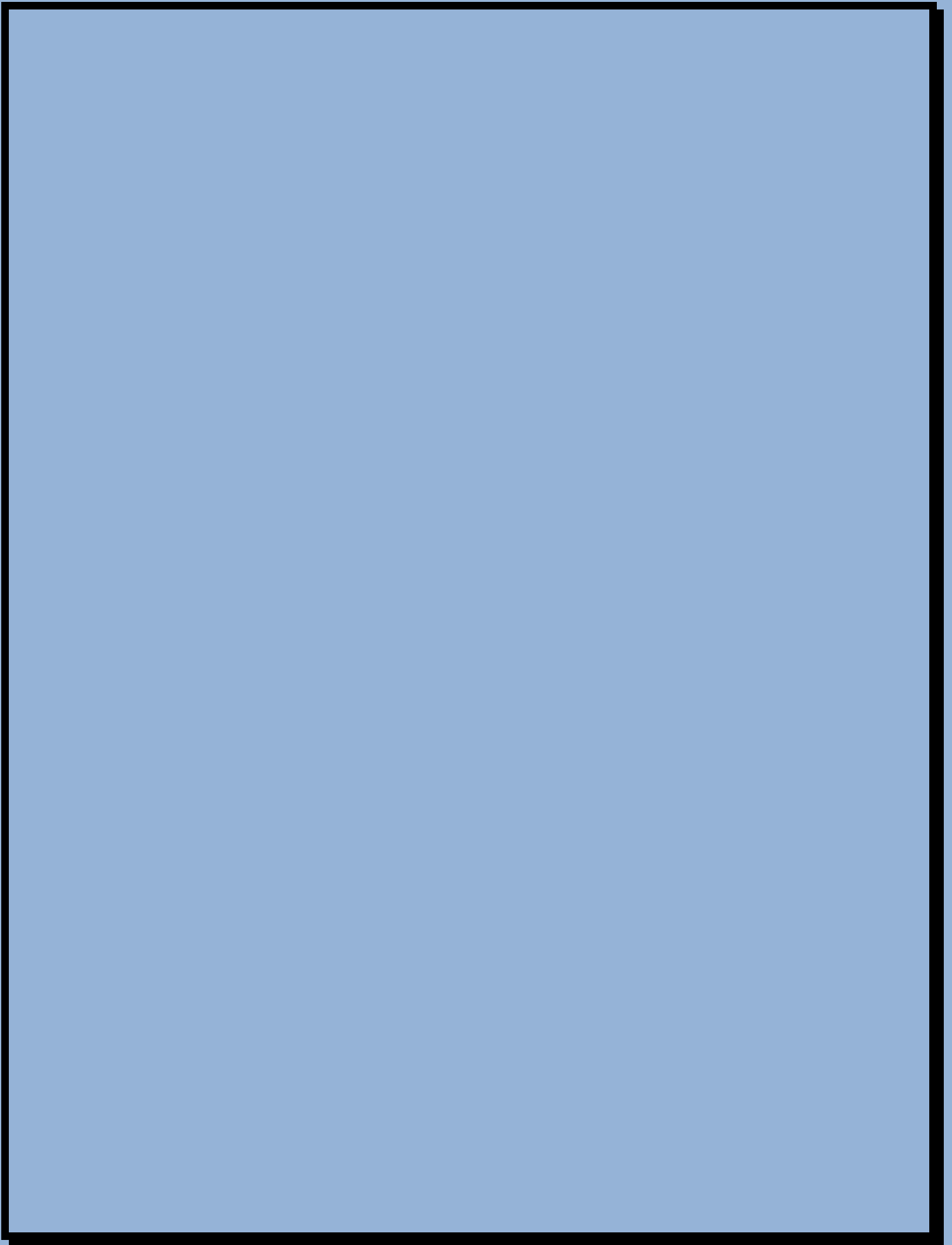
 _____ Date 6/10/24

Signature of Petitioner

FOR OFFICE USE ONLY

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

Business Items





Request for Town Council Action

Business	Fee
Item:	Schedule
Date:	07/16/2024

Subject: Fee Schedule Amendment
Department: General Government
Presented by: Town Manager – Michael Scott
Presentation: Business Item

Issue Statement

The Town received notice from Johnston County that they were increasing the tipping fees for sanitation from \$45/ton to \$48/ton effective August 1, 2024. This necessitates a proportionate increase to Town Sanitation customers of 34 cents per month.

Financial Impact

Increase Sanitation fees by \$16,747 annually.

Action Needed

Approve Fee Schedule Amendment.

Recommendation

Approve Fee Schedule Amendment

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Memo from Johnston County
3. Fee Schedule Amendment



STAFF REPORT

Business	Fee
Item:	Schedule
Date:	07/16/2024

On June 25, 2024 the Public Works Director received an emailed memo from Johnston County indicating an increase of \$3.00 per ton tip fee at the MSW Landfill. The memo included an error that the existing fee of \$43/ton included a \$1.00/ton NC Fee when in fact the current NC Fee is \$2.00/ton. The increase of \$3.00/ton is to be effective on August 1, 2024.

This creates a budget shortage of revenue to balance the sanitation revenue and expenditures of \$16,747 for FY 2025. To overcome this revenue shortfall, sanitation fees would need to be increased 34 cents per customer per month or \$4.08 per customer per year effective on or about August 1, 2024.

Johnston County
DEPARTMENT OF SOLID WASTE SERVICES
P. O. BOX 2263 - 680 COUNTY HOME RD.
SMITHFIELD, N.C. 27577
(919)938-4750

June 24, 2024

Tip fee Increase for MSW Disposal

Dear Customer,

The Department of Solid Waste Services is increasing a \$3.00 per ton tip fee for MSW Landfill disposal..

Below is a breakdown of current cost and cost being implemented Aug. 1st, 2024.

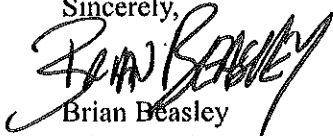
Municipal Solid Waste (MSW) Disposal Cost:

Current MSW Disposal Cost: \$45.00 Per Ton (Includes \$43.00/ton Tip Fee and \$1.00/ton NC Fee)
Beginning August 1, 2024 MSW Disposal Cost: \$48.00 Per Ton (Includes \$46.00/ton Tip Fee and \$2.00/ton NC Fee)

Fee increases for the FY 2024-2025 budget year will become effective on Aug. 1, 2024.

Please feel free to contact me if you have any questions.

Sincerely,



Brian Beasley
Johnston County
Department of Solid Waste Services
brian.beasley@johnstonnc.com
919-938-4750

FY 2024-2025 Adopted Fee Schedule Amended

Violation of Animal at Large:

1 st offense	\$25.00
2 nd offense.....	\$50.00
3 rd offense.....	\$75.00
4 th offense.....	\$100.00
5 th offense.....	Seizure of animal
Dangerous dog at large.....	\$100.00 and seizure of animal

Violation of Tethering Ordinance

1 st offense	\$10.00
2 nd offense.....	\$25.00
3 rd offense.....	\$50.00
4 th offense.....	\$75.00
5 th offense.....	Seizure of animal

Parking Violations

Exceeding Time Limit.....	\$25.00
Wrong Side of Street.....	\$25.00
Fire Lane (also included in Fire Dept. Fees).....	\$50.00
Too Close to Corner.....	\$25.00
Across Parking Line.....	\$25.00
On Crosswalk.....	\$25.00
Abandon on Street.....	\$25.00
Over 12" from curb	\$25.00
Double Parking	\$25.00
Loading Zone	\$25.00
Fire Hydrant	\$50.00
Driveway.....	\$25.00
Traffic Lane	\$25.00
On Sidewalk/Curb.....	\$50.00
Blocking Intersection	\$25.00
No Parking Area.....	\$25.00
Handicapped Zone	\$75.00
All Other Parking Violations	\$25.00

Taxicab Regulation

Driver's Permit.....	\$15.00
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Solid Waste Collection

Residential

Standard Collection, Monthly Fee	\$18.21 \$18.55(one roll-out container)
Additional Roll-out Container (standard)	\$18.21 \$18.55 (each container)
Backyard Collection, Monthly Fee	\$23.21 \$23.55(one roll-out container)
Additional Roll-out Container (backyard)	\$23.21 \$23.55 (each container)
Backyard Collection, Disabled / Age 70 +	\$18.21 \$18.55 (one roll-out container)
Yard Debris Collection, Monthly Fee.....	\$11.55 (required)
Large Pile(s) of Debris Pickup.....	\$94.00 (per truck load = 8 cubic yards) + Landfill Disposal Fees

Dumpster Rental

3 days	\$90.00 + Landfill Disposal Fees
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Churches /Non-Profit

Standard Pickup, Monthly Fee	\$18.21 \$18.55 (two roll-out containers)
Additional Solid Waste Roll-out Container (standard pickup)	\$18.21 \$18.55 (each container)
Backyard Pickup, Monthly Fee	\$23.21 \$23.55 (two roll-out containers)
Additional Solid Waste Roll-out Container (backyard pickup)	\$23.21 \$23.55 (each container)
Yard Debris Collection, Monthly Fee.....	\$11.55 (required)
Large Pile(s) of Debris Pickup	\$94.00 (per truck load = 8 cubic yards)
	+ Landfill Disposal Fees

Public Utilities Services

Residential Electric Deposit	\$200.00
Residential Electric Deposit - High Risk	\$400.00
Business Deposit	2x (times) the monthly avg. bill for this location
Water Deposit.....	\$50.00
Water Deposit (high risk)	\$100.00
Utility Phone Payment Convenience Fee	2.5% of the total bill
Returned Check Charge.....	\$35.00
Connection Fee when first 2 attempts are unsuccessful	\$50.00
Reconnection	(9 a.m. to 4 p.m.) \$50.00
Reconnection after Hours	\$70.00
Special Use Meter Reading & Billing (i.e. water for filling pools)	\$35.00
Meter Reread: 2 per calendar year at no cost, additional reread (if no error found)	\$25.00 per occurrence
Electric Meter Tampering Investigation Charge.....	\$500.00

Initial and Transfer Service Fees

Utility Account (7% NC sales tax added to service charges)	\$25.00
Water/Sewer	\$25.00

Water Meter Set

3/4"	\$95.00
1"	\$250.00
1 1/2".....	\$470.00
2".....	\$1605.00
3".....	\$2020.00
Meter tampering investigation charge.....	\$300.00
Delinquent fee for payments after due date but before disconnection	5 %
Meter Test Charge (After First Free Test)	\$35.00
Temporary Construction & Pole Service Charge.....	Cost of the meter
Landlord Transfer Fee.....	\$25.00

Credits

Water Heater Load Management (12 Months)	\$6.00/month
Air Conditioner Load Management Credit (June, July, August, September)	\$10.00/month

Sewer Tap Fees (Base fee)

Service Size	In Town	Out of Town
4 "	\$ 695.00	\$ 1040.00
6 "	\$ 760.00	\$ 1140.00

