



PLANNING BOARD AGENDA

Members:

Chair: Mark Lane (ETJ)

Vice-Chair: Ashley Spain (ETJ)

Jaime Beasley (Town)

Luke Stancil (Town)

Nariman Jaminia (Town)

Alisa Bizzell (Town)

Staff:

Brent Reck, Planning Director

Micah Woodard, CZO, Planner I

Julie Edmonds, Administrative Support Specialist

Meeting Date: Thursday, March 5th, 2026

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall



PLANNING BOARD AGENDA

REGULAR MEETING

MARCH 5, 2026

MEETING TIME: 6:00 PM

TOWN HALL COUNCIL CHAMBERS

- 1) **Call to Order.**
- 2) **Pledge of Allegiance.**
- 3) **Identify voting members.**
- 4) **Approval of the agenda.**
- 5) **Approval of the minutes from February 5, 2026.**
- 6) **New Business.**
 - a) **RZ-26-01 Peedin Rezoning:** Public meeting to review a request by applicant Timothy Peedin for a general rezoning of his ±1.75 acre tract. The existing tract is split zoned B-3 and R-20A. The applicant is requesting to rezone the tract to be entirely R-20A. This parcel is identified by Johnston County Tax ID 15M12027G.
 - b) **ZA-25-05:** Public meeting for a revised request by the Town of Smithfield Planning Department to amend the Unified Development Ordinance Article 3, in matters pertaining to board composition and quorum definition as well as other minor updates.
 - c) **UDO Discussion:** At the Feb. 5th Planning Board meeting interest was expressed from board members to discuss the UDO and potential future amendments. Staff would like further input into specific sections to begin research.
- 7) **Old Business.**

None.
- 8) **Adjournment.**

**Smithfield Planning Board Minutes
Thursday, February 5th, 2026
6:00 P.M., Town Hall, Council Chambers**

Members Present:

Chairman Mark Lane
Vice-Chairman Ashley Spain
Nariman Jaminia
Jaime Beasley

Members Absent:

Alisa Bizzell
Luke Stancil

Staff Present:

Micah Woodard, Planner I
Julie Edmonds, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

IDENTIFY VOTING MEMBERS

APPROVAL OF AGENDA Ashley Spain made a motion to approve the agenda; seconded by Jaime Beasley. Unanimously approved.

APPROVAL OF MINUTES January 8th, 2026

Nariman Jaminia made a motion to approve the minutes, seconded by Jaime Beasley. Unanimously approved.

New Business

SUP-25-03 Foster Home Request: Kisha Davis is requesting use of a private single-family residence to be a foster home. She operates under a licensed organization permitted by NCDHHS. The property is located at 1115 Chestnut Drive and also identified by Johnston County Tax ID # 15058013.

Micah Woodard stated under Section 6.6 Table of Uses and Activities of the Unified Development Ordinance (UDO), "Foster Homes" are identified as requiring a Special Use Permit (SUP). Kisha and her husband, Joshua, are trained and approved foster parents operating under Seven Homes, a licensed foster care agency based in North Carolina. As a state-licensed foster care placement operating within a residential dwelling, their use falls under the UDO classification of "Foster Home" and is therefore subject to the Special Use Permit requirement outlined in Section 6.6.

Mr. Woodard reviewed and explained each of the eight Findings of Fact. He read each finding into the record and concluded that the proposed Foster Care home is appropriate within the R-10 zoning district and will not create incompatibilities with adjacent properties or surrounding land uses. The Planning Department recommends approval of the Special Use Permit in accordance with the Findings of Fact.

Kisha Davis stepped before the Planning Board and explained that a routine fire safety inspection conducted by the Smithfield Fire Department triggered the requirement for a Special Use Permit. She noted that when they lived in Clayton, they were not required to go through the Special Use Permit process. A couple Planning Board members asked questions, and Mrs. Davis responded promptly and thoroughly.

It was moved and seconded to approve SUP-25-03. Motion carried.

Chairman Mark Lane informed the applicant that the request will be presented to the Town Council for final consideration at its March 17, 2026 meeting at 7:00 p.m.

S-26-01 Mallard Crossing Preliminary Plat: Mallard Johnston NC, LLC is requesting approval of the preliminary plat of 469.99 acres of land into 1,326 residential units: 872 single-family detached, 454 single-family attached (townhomes) in accordance with the R8-CZ master plan. This project covers eight (8) separate parcels located along Mallard Road and also can be identified by Johnston County Tax ID #'s 15L11043, 15L11042B, 15K11047.

Planner Micah Woodard presented case S-26-01 to the Planning Board and provided a brief overview of the proposed project. He said the property is located on both sides of Mallard Road from Old Mallard Road extending about 2 miles east. He explained that on July 15, 2025, a revised master plan was approved by the Town Council with the following changes:

- Reduction in overall acreage due to the removal of the solar farm from the development site.
- Reduction in total residential units from 2,005 to 1,327.
- Elimination of all 824 previously proposed apartment units.
- Introduction of age-targeted (no maintenance) units.
- Inclusion of five distinct residential product lines.
- Plans for two clubhouses and swimming pools.
- Electric service to be provided by the Town of Smithfield.
- Architectural materials to include premium vinyl siding.
- Proposal to install valley curb in front of all lots less than 50 feet in width.
- Provision of overflow parking within the townhouse areas.

Mr. Woodard stated that this preliminary plat application represents the next step in the development approval process. In order for the preliminary plat to be approved, it must substantially conform to the approved Conditional Zoning Master Plan and meet the required findings of fact for preliminary plat approval. The owner of the property is Mallard Johnston NC, LLC.

Mr. Woodard went on to say the proposed development is consistent with the Town's Comprehensive Land Use Plan, which supports medium-density residential use in this area, and aligns with the previously approved rezoning. The developer intends to submit a voluntary annexation petition, though it has not yet been filed.

The project will be constructed in five phases beginning in late 2026 or early 2027, with full build-out anticipated by 2032. Utilities will be provided by the Town of Smithfield, including phased water system expansions and a sanitary sewer system designed for full build-out, supported by two proposed pump stations.

Access will be provided through seven intersections along Mallard Road. A Traffic Impact Analysis has been completed, and NCDOT will require turn lanes on Mallard Road. Streets are proposed at 27 feet wide within 50-foot rights-of-way (Town standard is 60 feet), with lateral connections to adjacent properties. Several elongated cul-de-sacs are proposed, which are generally discouraged. No additional connection to Mallard Road is included due to prior zoning approvals.

Five-foot sidewalks are proposed on both sides of residential streets and along the north side of Mallard Road, with multi-use trails planned along the south side of Mallard Road and within the Duke Energy powerline easement, including boardwalk sections. Easements will be needed to accommodate portions of the trail.

Over 50% of the site (approximately 256 acres) will be preserved as parks, trails, and natural areas, including 24 acres of active open space with pocket parks, gathering areas, clubhouses, and pools. All open space and amenities will be owned and maintained by the HOA.

Landscaping includes a berm with decorative fencing along Mallard Road to screen double-fronted lots. Stormwater control measures are incorporated throughout the site and will also serve as buffering along Mallard Road.

HOA provisions will address maintenance of common areas, stormwater facilities, trails, landscaping, and on-street parking. Trash and recycling containers must be screened or stored out of public view. HOA documents must be reviewed by the Town Attorney prior to final plat approval.

Subdivision signage will require a separate permit. The applicant proposes five distinct residential product lines, differing from the previous Woodleaf Master Plan.

The Mallard Crossing Master Plan provides for a total of 1,326 residential units. A portion of these units will be designated as age-targeted housing, with exterior maintenance and common area upkeep to be managed by the Homeowners Association (HOA).

The conditional zoning master plan includes the following features that go beyond UDO requirements:

- Sidewalks on both sides of all subdivision streets
- Two clubhouses
- Two swimming pools
- Additional recreational amenities
- Class A building materials that exceed UDO standards, including vinyl siding
- A landscaped berm with an average height of at least 3 feet and a decorative fence between Mallard Road and the double-fronted lots
- A multi-use trail within the Duke Power line easement
- Maintenance of age-targeted properties by the HOA
- Fountains added to the stormwater ponds as an amenity

Proposed Conditions of Approval:

1. The elongated cul-de-sacs must be redesigned to meet Town standards.
2. A public trail easement must be provided within the Duke Power Line easement.
3. Stormwater ponds must include fountains for aeration and as an amenity.
4. Trash and recycling roll-off containers for single-family and townhouse units must be screened from public view or stored in garages or rear yards, with enforcement by the HOA.
5. The HOA will own and maintain all common areas and amenities, including landscaping, property maintenance, stormwater SCMs, parking lots, recreational amenities, and open space.
6. The HOA must enforce no parking on Town streets.
7. Architectural standards must be included in the HOA declarations and enforced by the HOA.
8. HOA declarations must be submitted to the Town Attorney for review prior to Final Plat approval.

Micah Woodard opened the floor for discussion among Planning Board members. Beth Blackmon, representing Timmons Group, approached the Board to address any questions.

Joseph Pierce of 695 Mallard Road spoke to express concerns that a portion of the proposed development encroaches on his property. His concerns were addressed by Ms. Blackmon and Anthony Catalano of Contender America.

Chairman Mark Lane informed the applicant that the request will be presented to the Town Council for final consideration at its March 17, 2026 meeting at 7:00 p.m.

S-26-06 Clarius Industrial Preliminary Plat: Clarius Partners, LLC is requesting approval of the preliminary plat of 75.61 acres located on US Highway 70 Business, at the north edge of the Town's extra-territorial jurisdiction into 4 developable light industrial lots with a private road and shared open space. This project is located at Johnston County Tax ID # 17J07032.

Planner Micah Woodard explained Clarius Park consists of four (4) light industrial lots located on US Highway 70 Business at the northern edge of the Town's Extra-Territorial Jurisdiction (Johnston County Tax ID 17J07032). The lots will be accessed by a shared private cul-de-sac constructed to Town standards and maintained by a Property Owners Association (POA).

The site currently contains a residential structure, agricultural fields, and wooded areas, with a blue line stream along the northern portion and a gas line easement in the southwest corner. The property is located within the WA-IV-PA Protected Area Watershed Overlay District, requiring enhanced stormwater controls. Development will avoid impacts to wetlands and buffers, except for a permitted driveway crossing to serve Lot 4.

The project is consistent with the Comprehensive Land Use Plan, which supports light industrial development in this area. It will be constructed in a single phase, with utilities provided by Johnston County.

Access will be provided via a private cul-de-sac from US 70 Business West. Lot A will also include a right-in/right-out driveway serving as secondary fire access. A variance was granted for the 1,585-foot cul-de-sac length. A Traffic Impact Analysis has been completed, and required roadway improvements will be installed.

Stormwater will be managed through four shared facilities maintained by the POA. A 5-foot public sidewalk is required along US 70 Business. Landscaping, buffering, dumpster enclosures, and subdivision signage will be provided in accordance with Town requirements.

All four lots meet light industrial zoning standards, including required setbacks.

Proposed Conditions of Approval:

1. Property Owners Association (POA) declarations shall be submitted to the Town Attorney for review prior to final plat approval. The declarations shall address the operation and maintenance of the private cul-de-sac, stormwater management facilities, shared signage, and any other shared amenities.
2. The POA declarations shall include provisions protecting the 100-foot-wide buffer along the northern edge of the plat from future development or disturbance.
3. Shared access easements shall be established over all shared driveways serving the industrial lots.
4. A Stormwater Operations and Maintenance Agreement shall be executed for all stormwater management facilities.
5. A five-foot-wide public sidewalk shall be installed along the frontage of US 70 Business West.

Micah Woodard concluded his presentation of S-26-06 and turned it over to the Planning Board for questions.

Toby Coleman, a land use and zoning lawyer based in Raleigh, NC came forward to answer questions.

Adjournment

Nariman Jaminia made a motion to adjourn; seconded by Jaime Beasley. Unanimously approved.

Next Planning Board meeting is March 5th, 2026, at 6pm.

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist



Request for Planning Board Action

Agenda
Item: RZ-26-01
Date: 3/5/26

Subject: Zoning Map Amendment
Department: Planning
Presented by: Micah Woodard, Planner I
Presentation: Public Meeting

Issue Statement

Timothy Peedin is requesting the rezoning of his 1.75 acres tract located on Firetower Road.

Financial Impact

None.

Action Needed

The Planning Board is respectfully requested to hold a public meeting to review the rezoning and to make a recommendation to the Town Council to approve or deny the request.

Recommendation

Planning Staff recommend approval of the rezoning, RZ-26-01, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, and other adopted plans, and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Consistency Statement
3. Application
4. Survey/Map



Staff Report

Agenda
Item: RZ-26-01

REQUEST:

Timothy Peedin is requesting the rezoning of 1.75 acres of land located on Firetower Road near the intersection of Firetower and US Hwy 70 Bus. The existing tract is split zoned B-3 and R-20A. The applicant is requesting to rezone the tract to be entirely R-20A. This parcel is identified by Johnston County Tax ID 15M12027G.

PROPERTY LOCATION:

The property to be rezoned is located on Firetower Road near the intersection of Firetower and US Hwy 70 Business.

SITE DATA:

Tax ID# 15M12027G
Acreage: 1.75
Present Zoning: B-3 / R-20A
Proposed Zoning: R-20A (Residential-Agricultural District)
Existing Use: N/A (Wooded Lot)
Proposed Use: Single-Family Residential
Town/ETJ: ETJ
Fire District: Pine-Level
School Impacts: None
Parks and Recreation: None
Water/Sewer Provider: County
Electric Provider: Duke

EXISTING CONDITIONS/ENVIRONMENTAL:

The parcel is wooded with no structures on site, there are no blue line streams and it is not located in any flood zone.

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

	Zoning	Existing Land Uses
North	R-20A	Single-Family Residential
South	B-3	Agriculture
East	B-3	Agriculture
West	R-20A	Single-Family Residential

ANALYSIS:

The tract in question was recently subdivided from a larger parcel that is currently split-zoned. The southern half, which abuts the highway, is zoned B-3, while the northern half is zoned R-20A.

Although the parent tract includes B-3 zoning, it has never been used for commercial purposes and has, to staff's knowledge, always been used for agricultural purposes.

The applicant is requesting to rezone the parcel to R-20A in its entirety to construct a single-family residence for his family. The Future Land Use Map designates this area for low-density residential development.

CONSISTENCY STATEMENT (Staff Opinion):

With approval of the rezoning, the Planning Board/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 development is consistent with the town's comprehensive plan.*
- **Consistency with the Unified Development Code** – *The site will be developed in accordance with the R-20A standards when developed in the future.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with surrounding land uses which are all single-family residences*

RECOMMENDATION:

Planning Staff recommend approval of RZ-26-01 with a statement declaring the request 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.

RECOMMENDED MOTION:

Staff recommend the following motion:

“Move to recommend approval of zoning map amendment, RZ-26-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan_and other adopted plans, and that the amendment is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
RZ-26-01**

Whereas the Smithfield Planning Board, 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 Planning Board, 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 PLANNING BOARD AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO RECOMMEND THE ORDINANCE IS ADOPTED,

That the Planning Board recommendation regarding map amendment RZ-26-01 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 Planning Board and information provided at the public hearing; and

It is the objective of the Town of Smithfield Planning Board 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 Planning Board and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

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

That the final recommendation regarding zoning map amendment RZ-26-01 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 Planning Board 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.

RZ-26-01 Peedin Rezoning

File Number:
RZ-26-01

Project Name:
Peedin Rezoning

Location:
Firetower Road

Tax ID#:
15M12027G

Existing Zoning:
B-3, R-20A

Property Owner:
Timothy and
Melanie Peedin

Applicant:
Timothy Peedin

City/ETJ:
ETJ



Map created by Micah Woodard,
Planner I on 3/26/2025



SURVEYOR'S DISCLAIMER:

THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED; HOWEVER, A NORTH CAROLINA LICENSED ATTORNEY SHOULD BE CONSULTED CONCERNING CORRECT OWNERSHIP, WIDTH, AND LOCATIONS OF ANY EASEMENTS, RIGHTS OF WAY, CEMETERIES OR FAMILY BURIAL GROUNDS NOT SHOWN ON RECORDED OR DEEDS MADE AVAILABLE TO THIS SURVEYOR BY THE RECENT OWNER(S) AT THE TIME OF THIS SURVEY AND OTHER QUESTIONS THAT MAY BE REVEALED BY THE TITLE EXAMINATION INCLUDING ANY RESTRICTIVE COVENANTS. ALSO THIS SURVEYOR HAS NO KNOWLEDGE OF THE OWNERSHIP OR MAINTENANCE RESPONSIBILITIES OF ANY FENCES ON OR NEAR THE BOUNDARY LINES. NO RESPONSIBILITY OF ANY NATURE IS ASSUMED BY THIS SURVEYOR FOR ANY CONDITIONS WHICH MAY PRESENTLY EXIST BUT ARE UNKNOWN, SUCH AS CEMETERIES, FAMILY BURIAL GROUNDS, TOXIC OR HAZARDOUS WASTE MATERIALS, SITES, WETLANDS, FLOOD HAZARD AREAS, SOILS, OR ANY UNDERGROUND UTILITIES, EXISTING OR PROPOSED EASEMENTS OR RIGHT-OF-WAYS, ETC. NOT SHOWN HEREON. ANY UTILITIES OR FEATURES AND ANY EASEMENTS RIGHT-OF-WAYS OR BUFFERS ASSOCIATED WITH SAID UTILITIES OR FEATURES SHOWN HEREON ARE SHOWN ACCORDING ONLY TO WHAT WAS KNOWN OR VISIBLE AT THE TIME OF THIS SURVEY BY THIS SURVEYOR. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RIGHT-OF-WAYS UNKNOWN TO THE SURVEYOR AT THIS TIME THAT A COMPLETE TITLE EXAMINATION MAY REVEAL. THIS SURVEYOR IS NOT AN ATTORNEY AT LAW AND IT IS ADVISED THAT THE OWNER OF THIS PROPERTY CONSULT WITH A LICENSED ATTORNEY AT LAW TO PERFORM A COMPLETE TITLE EXAMINATION TO CONFIRM ALL KNOWN ENCUMBRANCES AND REVEAL ANY POTENTIAL ENCUMBRANCES OR TITLE ISSUES ASSOCIATED WITH THIS PROPERTY OR ANYTHING ELSE THAT MAY BE IN THE RESTRICTIVE COVENANTS. ALSO AS USED IN THE SURVEYOR'S CERTIFICATION HEREON, THE WORD "CERTIFY" MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF CONDITIONS REGARDING THOSE FACTS OR FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED. THE MAP OR PLAT SHOWN HEREON SHALL NOT BE USED WITH AN AFFIDAVIT OR LETTER OF ANY KIND FOR REUSE INCLUDING, BUT NOT LIMITED TO FUTURE LOAN CLOSINGS, PLOT PLANS, CONSTRUCTION, LANDSCAPING, PERMITTING, ETC. IT IS A VIOLATION OF THE FEDERAL COPYRIGHT ACT TO COPY OR MODIFY AND REUSE THIS SURVEY BEYOND THE DATE AND SCOPE NOTED ON THE MAP. JIMMY BARBOUR SURVEYING, PA., ITS ASSOCIATES, AND/OR AGENTS SHALL NOT BE LIABLE FOR USE OF THIS SURVEY BY ANY OTHER ENTITIES OR PERSONS FOR ANY PURPOSE BEYOND THE DATE AND SCOPE AS NOTED ON THIS MAP OR PLAT.

Certificate of Approval for Recording:
I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with the Town of Smithfield Unified Development Ordinance, and that therefore this plat has been approved of the UDO Administrator, subject to its being recorded in the Johnston County Registry within sixty days of the date below.

Stephen Wernum 12/08/25
UDO Administrator Date

REVIEW OFFICER'S CERTIFICATE
STATE OF NORTH CAROLINA, COUNTY OF Johnston
I, *Carolyn Allen*, REVIEW OFFICER OF Johnston COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
DATE 12/10/25
Carolyn Allen REVIEW OFFICER
I, *Jimmy C. Barbour*, PROFESSIONAL LAND SURVEYOR No. L-2855, CERTIFY THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN AN AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND IN ACCORDANCE WITH G.S. 47-30.2 (F)(11).
I, *Jimmy C. Barbour*, PROFESSIONAL LAND SURVEYOR LICENSE No. L-2855



I, JIMMY C. BARBOUR, PLS, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK 349, PAGE 535, ETC.; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 349, PAGE 535. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+. THAT THE GLOBAL POSITIONING ACCURACY (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 7th DAY OF Dec., A.D. 2025.

Jimmy C. Barbour
JIMMY C. BARBOUR, PROFESSIONAL LAND SURVEYOR, LICENSE No. L-2855

LINE	BEARING	DISTANCE
LT	N00°13'52"E	131.47

REFERENCES:
DEED BOOK 349, PAGE 535
PLAT BOOK 74, PAGE 89
PARCEL ID NO. 15M12027
R/W REFERENCES:
PLAT BOOK 74, PAGE 89
PLAT BOOK 71, PAGE 193

PROPERTY IS ZONED-R20A
JURISDICTION OF TOWN OF SMITHFIELD
PROPERTY DIMENSIONS PER UDO
SETBACKS FOR R-20 ZONING
FRONT-30'
SIDE-10'
REAR-25'
DETACHED ACCESSORY BUILDING-10' AND MUST BE LOCATED BEHIND PRINCIPAL STRUCTURE.

FH DASHED LINES	---	FIRE HYDRANT LINES NOT SURVEYED	MNS	MAGNETIC NAIL SET
WM / WV	---	WATER METER / WATER VALVE	ERB	EXISTING IRON REBAR
EIP	---	EXISTING IRON PIPE FOUND	MSS	MAGNETIC SPIKE SET
EIS	---	EXISTING IRON STAKE FOUND	N/F	NOW OR FORMERLY
ECM	---	EXISTING CONCRETE MONUMENT FOUND	PP/SP/AL	POWER POLE/SERVICE POLE/AREA LIGHT
C/L	---	CENTERLINE OF ROAD	OHPL	OVERHEAD POWER LINE
EPK	---	EXISTING PARKER-KALON NAIL FOUND	CP	COMPUTED POINT FROM REFERENCED SOURCES
ERRS	---	EXISTING RAILROAD SPIKE FOUND	EMS	EXISTING MAGNETIC SPIKE FOUND
SOLID LINES	---	LINES SURVEYED	R/W	RIGHT OF WAY
RBS	---	#5 IRON REBAR SET WITH RED PLASTIC CAP		
ECS	---	EXISTING COTTON SPINDLE FOUND		
EMN	---	EXISTING MAGNETIC NAIL FOUND		

BASED UPON GRAPHIC DETERMINATION, THE SURVEYED PROPERTY INDICATED ON THIS PLAT DOES NOT LIE IN THE FEMA/FIRM SPECIAL 100 YR. FLOOD HAZARD AREA. SEE COMMUNITY PANEL No. 37202602000 K DATED 6-20-2018.

JIMMY BARBOUR SURVEYING, PA
JIMMY C. BARBOUR, PLS, GSI
C-3109
213 S. SECOND STREET
P. O. BOX 28
SMITHFIELD, N.C. 27577
919-989-6642 919-989-3013
Email: jimmy@jbsurveying.com

SURVEY FOR
TIMOTHY K. PEEDIN and MELANIE R. PEEDIN
OWNER N/F TIMOTHY K. PEEDIN, et al
TOWNSHIP PINE LEVEL COUNTY JOHNSTON STATE NC
SURVEYED BY J SIMMONS, C HARE DRAWN BY CINDA S LASSITER
DATE SURVEYED 11-20-2025 SCALE 1"=60' DRAWING NO. 25-479

N/F
LYNN CLIFF, INC.
DB 6979, PG 426
PB 74, PG 89

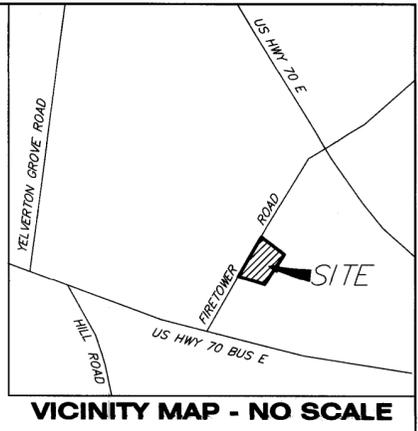
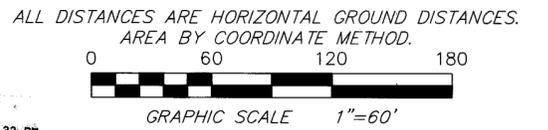
N/F
TIMOTHY K. PEEDIN, et al
DB 3498, PG 535
PARCEL ID NO. 15M12027
18.5 ACRES± REMAINING
PER JOHNSTON COUNTY GIS DATA

N/F
TIMOTHY K. PEEDIN, et al
DB 3498, PG 535
PARCEL ID NO. 15M12027
18.5 ACRES± REMAINING
PER JOHNSTON COUNTY GIS DATA

1.983 ACRES
86,397 SF
INCLUDES HWY R/W
1.750 ACRES
76,239 SF
EXCLUDES HWY R/W

N/F
TIMOTHY K. PEEDIN, et al
DB 3498, PG 535
PARCEL ID NO. 15M12027
18.5 ACRES± REMAINING
PER JOHNSTON COUNTY GIS DATA

CERTIFICATE OF OWNERSHIP:
I hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Smithfield, and that I freely adopt this plan of subdivision.
Timothy K. Peedin 8 Dec 25
Owner(s) 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

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: Construction of Residential Acreage of Property: 1.75 excluding Hwy R/W
 Parcel ID Number: 15M12027G Tax ID: 15M12027G
 Deed Book: 03498 Deed Page(s): 0535
 Address: NA
 Location: Property is located on Firetower Road approximately 390 feet North of US 70
 Existing Use: Wood Land Proposed Use: Building Residential Home
 Existing Zoning District: Commercial
 Requested Zoning District: Residential - Agricultural
 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: RZ-26-01 Date Received: 1-28-2026 Amount Paid: \$400.00

OWNER INFORMATION:

Name: Timothy K & Melanie R Peedin
Mailing Address: 59 Appleton Way Sanford NC 27332
Phone Number: 919-478-5468 Fax: _____
Email Address: tkpeedin@gmail.com

PoBox 1222
Smithfield
NC 27577

APPLICANT INFORMATION:

Applicant: Timothy K Peedin
Mailing Address: 59 Appleton Way Sanford NC 27332
Phone Number: 919-478-5468 Fax: _____
Contact Person: Timothy K Peedin
Email Address: tkpeedin@gmail.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.

My grandparents home was on this property from the early 40s till . After years of serving in the military my wife and I are trying to return to the property and rebuild. The property between this parcel and US70 is a field that has been farmed for over 100 years. Across the street (Firetower Rd) is Residential-Agricultural property also.

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.

Timothy K Reed



Print Name

Signature of Applicant

28 Jun 26

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: Construction of Residential Submittal Date: 28 Jan 26

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.

Timothy K Reed Timothy K Reed 28 Jan 26
 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.

Timothy K Reed Timothy K Reed 28 Jan 26
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

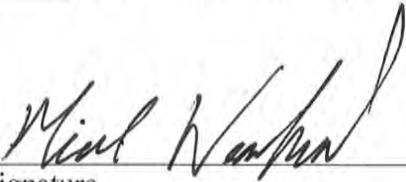
File Number: _____ Date Received: _____ Parcel ID Number: _____



PLANNING DEPARTMENT
Micah Woodard, Planner I

ADJOINING PROPERTY OWNERS' CERTIFICATION

I, Micah Woodard, hereby certify that the property owner and adjacent property owners of the following petition(s); RZ-26-01, and ZA-25-05 were notified by First Class Mail on 2/20/26 of the Public Meeting on March 5th, 2026.



Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Micah Woodard personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

20th day of February, 2026



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on 1-15-2028



RZ-26-01 Adjacent Property Owners List

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15M12027G	PEEDIN, TIMOTHY K	PEEDIN, MELANIE R	59 APPLETON WAY		SANFORD, NC 27332-0000
15M12027C	JONES, TERRY		2026 FIRETOWER RD		SMITHFIELD, NC 27577-8439
15M12027A	JACKSON, PATRICA H.		2074 FIRETOWER RD		SMITHFIELD, NC 27577-8439
15M12032A	LYNN CLIFF INC		467 GOR AN FARM RD		SELMA, NC 27576-9494
15M12032	MCKNIGHT, CATHERINE C.		101 GREAT POINT PL		CARY, NC 27513-2969
15M12027	PEEDIN, TIMOTHY K	PEEDIN, MELANIE R	59 APPLETON WAY		SANFORD, NC 27332-0000
15M12027D	PUCKETT, WILLIAM MARK	WARREN, AIMEE	3953 US HIGHWAY 70 BUS E		SMITHFIELD, NC 27577-8448



**PUBLIC NOTICE SIGN
FOR CASE RZ-26-01**



Request for Planning Board Action

Agenda
Item: ZA-25-05
Date: 3/5/2026

Subject: Zoning Text Amendment
Department: Planning
Presented by: Micah Woodard, Planner I
Presentation: Business Item

Issue Statement

Public meeting for a revised request by the Town of Smithfield Planning Department to amend Unified Development Ordinance Articles 3 and 4, in matters pertaining to board composition and quorum definition as well as other minor updates outlined in the report.

Financial Impact

None.

Action Needed

The Planning Board is respectfully requested to review the zoning text amendment and to decide whether to recommend approval, approval with changes, or to recommend denial of the request.

Recommendation

Planning Staff recommend the Planning Board to recommend approval of the zoning text amendment ZA-25-05 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public's interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Draft Zoning Text Amendment
2. Consistency Statement
3. Application



Staff Report

Agenda
Item: ZA-25-05

OVERVIEW:

The Town Staff has been directed by the Town Council to amend the Unified Development Ordinance Articles 3 and 4, in matters pertaining to board composition and quorum definition as well as other minor updates outlined in the report below.

DRAFT ORDINANCE.

Section 3.3.3.1. This section is being amended to eliminate alternate members of the Planning Board. There is no requirement in NC Gen. Statutes requiring alternate members and appointees are often disappointed to find they are unable to vote.

Section 3.3.3.3. This section has minor amendments such as allowing the UDO Administrator to assign other staff members to serve as Secretary and advisor to the board. Also, the Town has no Building Inspector on staff.

This text is being amended because the current ordinance requires a quorum of 4 members to conduct business, whereas a quorum is the majority of the members, excluding vacant seats, which in some instances could be less than 4 members.

Section 3.3.3.5.4. This section is being updated to reflect that a quorum shall consist of a majority of Commission members, excluding vacant seats.

Section 3.4.2.2. This section is being amended to eliminate alternate members of the Board of Adjustment. There is no requirement in State Statutes requiring alternate members and appointees are often disappointed to find they are unable to vote.

Section 3.4.2.6.3. This section is being amended to clarify that the UDO Administrator can assign other staff members to serve as Secretary and advisor to the board.

Section 4.6.4.1. This section is being updated to reflect current practices for receiving the Planning Board recommendations.

Section 4.10.4. Amended BOA voting to exactly reflect NCGS 160 406.

CONSISTENCY STATEMENT (STAFF OPINION):

Staff find 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 the Planning Board recommend approval of the zoning text amendment ZA-25-05, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

STAFF RECOMMENDED MOTION:

“Move to recommend approval of zoning text amendment, ZA-25-05, 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.”

ORDINANCE # ZA-25-05
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 3, SECTION 3.3, 3.4.2 AND ARTICLE 4, SECTION 4.6.4
TO AMEND BOARD COMPOSITION AND TOWN COUNCIL
NOTICE REQUIREMENTS.

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 3, Section 3.3, 3.4.2 and to amend board composition, redefine quorum, and other minor updates and Article 4, Section 4.6.4 to reflect current practice as to when Planning Board recommendations shall be received by the Town Council.

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 3.3 Planning Board - to eliminate alternate members, redefine quorum and other minor updates]

...

3.3.3. Creation and Organization.

3.3.3.1. Composition and Vacancies. The Planning Board 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 one (1) alternate member~~ shall be citizens and residents of the extraterritorial jurisdiction of the town as described pursuant to G.S. § 160D-307 and shall be appointed by the Board of County Commissioners, upon receipt of a resolution from the Town Council requesting that such appointments be made. If the Board of County Commissioners fails to make the appointments requested within ninety (90) days of receipt of the resolution, the Town Council shall make the appointments. The Town Council will ensure that proportional representation on the Planning Board shall be maintained in accordance with G.S. § 160D-307, as amended. ~~Alternate members shall not be entitled to vote on matters before the Planning Board except when a regular Planning Board 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.~~

The terms of the members shall be for three (3) years. Vacancies, occurring for reasons other than expiration of terms shall be filled as they occur by the entity appointing them for the period of the unexpired term.

3.3.3.2. Attendance at Meetings. Faithful attendance at the meetings of the Planning Board is important for the functioning of the Board. If a member is absent from three (3) meetings within any three hundred sixty-five-day period without permission of the Board and the Member does not resign, then the Town Manager may hold an informal hearing with the Member as to whether his or

her absence is excusable or whether it so damages the Board as to constitute cause for removal. After the hearing the Manager may excuse the absences or may refer the issue to the Town Council for a hearing on whether there is cause for removal. The Manager shall give the Member ten (10) days' notice of the time and place of the hearing and the Member may present evidence as to why he or she should not be removed.

3.3.3.3. Organization, Rules, Meetings and Records. A Chair and Vice-Chair shall be nominated from among the board membership and shall be appointed by majority vote of the Board. Chair and Vice-Chair terms shall be for two (2) years. Upon completion of a two-year term, the Board shall make nominations and appoint new officers or reappoint existing officers. The UDO Administrator, or other assigned staff members, shall serve as Town staff member Building Inspector and UDO Administrator shall serve as Secretary and advisor to the Planning Board and shall be responsible for keeping the record of minutes of the Planning Board. The Board shall adopt rules for transaction of its business subject to review and approval by the Town Council and shall keep a record of its member attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. Except as otherwise stated in Section 3.3.3.4.3 below, the Board shall hold at least one (1) meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of four (4) members for the purpose of taking any official motion required by this ordinance. There shall be a quorum consisting of a majority of Commission members, excluding vacant seats, for the purpose of taking any official motion required by this ordinance.

3.3.3.4. Offices and Duties.

3.3.3.4.1. Chair. A Chair shall be elected by the voting members of the Planning Board. The Chair shall decide all matters of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees found necessary to investigate any matters before the Board.

3.3.3.4.2. Vice-Chair. A Vice-Chair shall be elected by the Board from among its voting members in the same manner and for the same term as the Chair. He/she shall serve as acting Chair in the absence of the Chair, and at such times he shall have the same powers and duties as the Chair.

3.3.3.4.3. Secretary. The secretary, subject to the direction of the Chair and the Board, shall keep all records, shall conduct all correspondence of the Board and shall generally supervise the clerical work of the Board. The secretary shall keep the minutes of each meeting of the Board. These shall show the record of all important facts pertaining to every meeting and hearing, every resolution acted upon by the Board and all votes of members of the Board upon any resolution or other matter, indicating the names of members absent or failing to vote.

3.3.3.4.4. Member Responsibilities. A Member shall request to be excused from discussion of or voting on any matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable impact on the Member. A Member shall represent him or herself as a board member and not undermine board recommendations at any other public meetings that address planning issues.

3.3.3.5. Meetings.

3.3.3.5.1. Regular Meetings. Regular meetings of the Board shall be held in the Council Chambers of Town Hall in accordance with a schedule as established by the Planning Board.

3.3.3.5.2. Special Meetings Special meetings of the Board may be called at any time by the Chair, or in his absence, the Vice-Chair. At least twenty-four (24) hours' notice of the time and place of special meetings shall be given, by the secretary or by the Chair, to each member of the Board; provided that this requirement may be waived by a majority of all the members.

3.3.3.5.3. Cancellation of Meetings. Whenever there is no business for the Board, the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

3.3.3.5.4. Quorum. ~~A quorum shall consist of four (4) members of the Board for zoning changes and amendments.~~ A quorum shall consist of a majority of Commission members, excluding vacant seats. All actions of the Commission shall be taken by majority vote, a quorum being present.

...

PART 2

[Revise Article 3, Section 3.42 to eliminate Board of Adjustment alternate members, add term limits and other minor updates.]

3.4.2. Creation and Organization.

3.4.2.1. The Board of Adjustment shall be governed by the terms of G.S. § 160D-302.

3.4.2.2. Membership Composition and Vacancies. The Board of Adjustment shall consist of five (5) regular members ~~and two (2) alternate members.~~ Four (4) members ~~and one (1) alternate member~~ shall be citizens and residents of the town and shall be appointed by the Smithfield Town Council. One (1) member ~~and one (1) alternate member~~ shall be citizens and residents of the extraterritorial jurisdiction surrounding the Town of Smithfield, as described pursuant to G.S. § 160D-307 and shall be appointed by the Board of County Commissioners of Johnston County, upon receipt of a resolution from the Town Council requesting that such appointments be made. If the Board of County Commissioners fails to make the appointments requested within ninety (90) days of receipt of the resolution, the Town Council shall make the appointments. The Town Council will ensure that proportional representation on the Board of Adjustments shall be maintained in accordance with G.S. § 160D-307, as amended. ~~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.~~

The term of office of the members of the Board shall be for three (3) years. All members shall be subject to any appointee policy in effect by the Town of Smithfield during the term of appointment. Any vacancy which may occur will be filled according to this ordinance and any appointee policy in effect at that time. Members may be paid or reimbursed as current Town of Smithfield policy allows.

3.4.2.3. Attendance at Meetings. Faithful attendance at the meetings of the Board of Adjustment is important for the functioning of the Board. If a member is absent from three (3) meetings within any three hundred sixty-five-day period without permission of the board and the Member does not resign, then the Town Manager may hold an informal hearing with the Member as to whether his or her absence is excusable or whether it so damages the Board as to constitute cause for removal. After the hearing the Manager may excuse the absences or may refer the issue to the Town Council for a hearing on whether there is cause for removal. The Manager shall give the Member ten (10) days' notice of the time and place of the hearing and the Member may present evidence as to why he or she should not be removed.

3.4.2.4. Meetings of the Board of Adjustment.

3.4.2.4.1. Regular Meetings. Regular meetings of the Board shall be held in Town Hall in accordance with a schedule as established by the Board of Adjustment; provided, however, that meetings may be held at some other convenient place in the town if directed by the Chair in advance of the meeting, and provided further that if no business needing the attention of the Board has arisen since the last meeting and no unfinished business is pending, then the Chair may notify twenty-four (24) hours in advance the other members through the secretary that the meeting for that month will not be held.

3.4.2.4.2. Special Meetings. Special meetings of the Board may be called at any time by the Chair, or in his absence, the Vice-Chair. At least twenty-four (24) hours written notice of the time and place of special meetings shall be given by the Secretary or the Chair to each member of the Board.

3.4.2.4.3. The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Article 4, Part III.

3.4.2.4.4. Conflicts on Quasi-Judicial Matters. A member of the Board of Adjustment or any other body exercising the functions of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to member's participation and that member does not recuse himself or herself, the remaining members shall, by majority vote, rule on the objection.

3.4.2.4.5. All meetings of the Board shall be open to the public and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

3.4.2.5. Quorum and Voting.

3.4.2.5.1. The concurring vote equal to four-fifths ($\frac{4}{5}$) of the full membership of the board and not excused from voting (a quorum being present), shall be necessary to grant any variance. All other actions of the board shall be taken by majority vote of those present and not excused from voting, a quorum being present.

3.4.2.5.2. Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection 3.4.2.4.3 or has been allowed to withdraw from the meeting in accordance with Subsection 3.4.2.4.4.

3.4.2.5.3. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

3.4.2.5.3.1. If the matter at issue involves the member's own official conduct; or

3.4.2.5.3.2. If the participation in the matter might violate the letter or spirit of the member's code of professional responsibility.

3.4.2.5.4. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.

3.4.2.5.5. A roll call vote shall be taken upon the request of any member.

3.4.2.6. Board of Adjustment Officers and Duties.

3.4.2.6.1. Chair. The Chair shall be elected by majority vote of the membership of the Board from among its members. ~~His term of office shall be for a one (1) year term, and until his a~~ successor is elected, beginning on July 1st. The Chair shall be eligible for re-election. Subject to these rules, the Chair shall decide upon all points of order and procedure, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees found necessary to investigate any matter before the Board.

3.4.2.6.2. Vice-Chair. A Vice-Chair shall be elected by the Board from among its members in the same manner and for the same term as the Chair. He shall serve as acting Chair in the absence of the Chair, and at such times he shall have the same powers and duties as the Chair.

3.4.2.6.3. Secretary. ~~The UDO Administrator shall serve as Secretary.~~ The UDO Administrator, or other assigned staff members, shall serve as Secretary and advisor to the Board of Adjustments and shall be responsible for keeping the record of minutes of the Board of Adjustments.

PART 3

[Revised Article 4, Section 4.6.4 and 4.10.4 to amend language for Town Council notice requirements and Board of Adjustments Voting.]

4.6.4. Action by the Town Council.

Action to consider a rezoning petition, including the scheduling of a public hearing, will be at the discretion of the Town Council.

4.6.4.1. ~~Before an item is scheduled for a public hearing is held~~ before the Town Council, the Planning Board's recommendation on each proposed zoning amendment must be received by the Town Council. If no recommendation is received from the Planning Board within thirty (30) days from the date when submitted to the Planning Board, the petitioner may take the proposal to the Town Council without a recommendation from the Planning Board. However, the Planning Board may request the Town Council to delay final action on the amendment until such time as the Planning Board can present its recommendations.

...

4.10.4. Board of Adjustment Action/Voting.

~~The concurring vote of four-fifths (4/5) of the full membership of Board of Adjustment and not excused from voting shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority.~~

The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

PART 4

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 5

That these amendments of the Unified Development Ordinance shall become effective upon adoption. Duly adopted this the ____ of _____, 2025.

M. Andy Moore, Mayor

ATTEST

Elaine Andrews, Town Clerk

DRAFT

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
ZA-25-05**

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-25-05 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-25-05 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:

Stephen Wensman

Petitioner's Name

350 E Market Street

Address or PO Box

Smithfield

City, State, Zip Code

919-934-2116

Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

Amend Sec. 3.3.3.1, 3.3.3.3,3.3.3.5.4, 3.4.2.2, 3.4.2.6.3, 4.6.4.1, 4.10.4to amend board composition, quorum definition and other minor updates,

and Article 4, Section 4.6.4 to reflect current practice as to when Planning Board recommendations shall be received by the Town Council

(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.

Stephen Wensman Digitally signed by Stephen Wensman
Date: 2025.12.22 08:50:22 -05'00'

Signature of Petitioner

12/22/25

Date

FOR OFFICE USE ONLY

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