



## **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)*

*John Keeley (Town)*

### ***Staff:***

*Brent Reck, AICP, CZO, Planning Director*

*Micah Woodard, CZO, Planner I*

*Julie Edmonds, Administrative Support Specialist*

***Meeting Date: Thursday, May 7<sup>th</sup>, 2026***

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

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



**PLANNING BOARD AGENDA  
REGULAR MEETING  
MAY 7, 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 April 2, 2026.**
- 6) **New Business.**
  - a) **ZA-25-05 Text Amendment:** Public meeting for a revised request by the Town of Smithfield Planning Department to amend the Unified Development Ordinance Article(s) 3 and 4, in matters pertaining quorum definition as well as other minor updates.
  - b) **UDO Discussion:** At the Feb. 5<sup>th</sup> Planning Board meeting interest was expressed from board members to discuss the UDO and potential future amendments. At the April 2<sup>nd</sup> meeting it was proposed that the board research specific UDO sections/items they want discussed. Staff is prepared to research any inquiry.
- 7) **Old Business.**

None.
- 8) **Adjournment.**

**DRAFT**  
**Town of Smithfield Planning Board**  
**Meeting Minutes**  
**April 2, 2026**  
**6:00 P.M., Town Hall, Council Chambers**

Members Present:

Chairman Mark Lane  
Vice-Chairman Ashley Spain  
Luke Stancil  
Nariman Jaminia  
Alisa Bizzell  
Jaime Beasley  
John Keeley

Members Absent:

Staff Present:

Brent Reck, Planning Director  
Micah Woodard, Planner I  
Julie Edmonds, Administrative Support Specialist

Staff Absent:

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

Town Clerk Elaine Andrews to swear in new board member John Keeley.

**IDENTIFY VOTING MEMBERS**

**APPROVAL OF AGENDA** Nariman Jaminia made a motion to approve the agenda; seconded by Jaime Beasley. Unanimously approved.

**APPROVAL OF MINUTES March 9th, 2026**

Alisa Bizzell made a motion to approve the minutes, seconded by Nariman Jaminia. Unanimously approved.

**New Business**

**RZ-26-02 Lincoln Barbour Farm Rezoning:** Public meeting to review a request by applicant Donna Barbour Oldham for a general rezoning of her ±50.8-acre tract. The existing tract is currently zoned R-20A (Residential-Agricultural). The applicant is requesting to rezone the tract to be entirely L-I (Light Industrial). This parcel is located at 2614 Buffalo Road and is further identified by Johnston County Tax ID 14K09195C.

Planner Micah Woodard stated the applicant Donna Oldham is requesting zoning map amendment to rezone a ±50.8-acre parcel from R-20A (Residential-Agriculture) to LI (Light

Industrial). The property is located at 2614 Buffalo Rd, Smithfield, NC 27577, the property is further identified by Johnston County Tax ID 14K09195C. The parcel is comprised of a single-family residence, agricultural fields, and a few miscellaneous farm buildings. An un-named intermittent stream crosses the northwestern and possibly the southwestern portion of the property. The property is also within the WSIV-PA protected area watershed overlay district which requires more restrictive stormwater management. The ±50.8-acre parcel is near the eastern boundary of the Town's ETJ along Buffalo Road. Should the applicant choose to do so, they could submit a formal annexation petition to 'satellite annex' the property into Town of Smithfield corporate limits. Town of Smithfield utilities are near the property and could be extended to service the site.

Planning Staff recommends approval of RZ-26-02 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.

Recently Town Council approved some town plan map amendments and this corridor along Buffalo Rd is one of them they changed to guide towards light industrial.

Nariman Jaminia said he thought the Planning Board chose that area to be mixed use.

Micah Woodard said you're correct it was but Town Council went with Planning Boards recommendation on area 1, 2 and 4 not this area which is 3.

Jaime Beasley asked if the adjacent property owners were aware of this rezoning?

Micah Woodard said that letters were mailed to adjacent property owners as well as two public hearing signs were displayed on the property and an ad was published in The Johnstonian News.

Jaime Beasley asked if the single-family home on the property was owned by this same family?

Micah Woodard said yes, the family inherited the land and the home after Lincoln Barbour passed away.

Nariman Jaminia stated he noticed some feedback from citizens saying they either weren't notified or were unaware of this rezoning.

Micah Woodard said there's three things we're required to do to meet general statute in North Carolina. An ad has to be published in the local paper within 20 days of the meeting date, letters are sent to adjacent property owners if their land abuts the property and we pull from a 350 ft boundary off of the proposed parcel. We also post public hearing signs on the property.

Don Wooldridge of Buffalo Rd came forward to address the Planning Board. He's against this rezoning he says traffic is already a major problem and he says the road floods every time we have a hard rain. He's very disappointed in the Town Council and the Planners approving the cheaply built homes. He suggested they think long-term and stop only looking for a tax base. He doesn't want anything on Buffalo Rd.

Bentley Powell came forward to address the Planning Board. His wife is partial owner of a home on Buffalo Rd and they aren't totally against this property being rezoned to light industrial but so many different things could be built there and they need more information.

Nariman Jaminia requested a copy of the updated Future Land Use Plan Map.

Mark Lane asked staff if there were currently any plans for this site?

Micah Woodard said no, I haven't received anything.

Jerry Corbett of Buffalo Rd came forward and stated he has family land around this area and he's concerned about what may be proposed for the land in the future.

Micah Woodard did want to point out that there's been some interest in commercial use for this property and we may in the future be coming back to this same piece of property.

Warren Stancil of Buffalo Rd came forward and he stated he doesn't feel it's right to blanket zone 55 plus acres in a residential this area. He could see commercial there or even mixed use.

Ashley Spain made a motion to recommend approval of zoning map amendment, RZ-26-02, 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; seconded by Luke Stancil. Motion wasn't unanimous. An overall vote was taken. Mark Lane Yay, Ashley Spain Yay, Jaime Beasley Nay, Nariman Jaminia Nay, John Keely Nay, Luke Stancil Yay and Alisa Bizzell Nay. Vote was 4-3

RZ-26-02 was denied by Planning Board but will receive a final decision by Town Council on Tuesday, May 19<sup>th</sup>, 2026 at 7pm.

**SUP-26-01 Cloak & Dagger Tattoo:** Drew and Mandy Lockamy with Cloak & Dagger Tattoo are seeking a special use permit to utilize property located within the B-2CZ (General Business - Conditional) zoning district for a tattoo establishment. The property considered for approval is located at 103 N. Seventh Street, behind the Old Pontiac Building. The property is further identified by the Johnston County Tax ID 15021009.

Micah Woodard stated the applicant is requesting a Special Use Permit (SUP) to operate a tattoo establishment within the Downtown B-2 General Business District. This area contains a mix of retail and personal service uses, including restaurants, retail shops, barbershops, and salons. The proposed tattoo establishment is not expected to have any adverse impacts on the surrounding area and will be compatible with the existing mix of uses. The property owner, Grace Homemade International, LLC, recently received conditional rezoning approval from the Smithfield Town Council on February 17, 2026, to rezone the property from B-2 to B-2 Conditional Zoning (B-2CZ). The approved plan includes renovation of the existing structure, a new parking facility, and construction of a new three-story commercial flex building adjacent to the subject site. Approval of this SUP to allow the tattoo establishment will help support funding for the overall master plan, which is anticipated to result in a significant improvement to the property and surrounding area. As part of the overall master plan, the site will ultimately

include a code-compliant parking lot with paving, striping, and curbing. To address interim parking needs for the proposed tattoo and office uses, the applicant has proposed a temporary gravel parking area intended to serve only these uses. Because most tattoo businesses operate primarily by appointment, parking demand is expected to be minimal. Although the proposed gravel parking area does not meet current code requirements (in regard to being un-paved), the applicant has indicated that it is intended as a temporary solution. During future site development, this area may be removed to accommodate installation of an underground stormwater management system. Planning staff initiated an ordinance amendment that was reviewed by the Planning Board in January 2025 that would remove the special use requirement for tattoo establishments and would make the use permitted by right in the B-2 and B-3 zoning districts. Planning Staff believe the special use requirement is a relic of the past when there was a stigma about such establishments. The tattoo and body piercing shops are commonplace today and concerns about health and safety are addressed with state regulation of the industry. A public hearing before the Town Council for this text amendment has not yet been scheduled.

**Condition for Temporary Parking Surface:**

The applicant may utilize a **temporary gravel parking area** to serve the tattoo shop upon commencement of operations, provided that:

- a) The gravel area is **properly graded, compacted, and drained** to prevent erosion or standing water.
- b) The gravel area is **clearly delineated** for customer parking and does not encroach into required street yards, buffer yards, or rights-of-way.
- c) The parking area shall be **paved with asphalt, concrete, or other Town approved permanent surface** within **36 months\*** of the issuance of the Certificate of Occupancy.
- d) The applicant shall provide a **financial guarantee or performance bond**, in a form acceptable to the Town, to ensure completion of paving within the specified timeline.
- e) All other off-street parking requirements in the Town of Smithfield Unified Development Ordinance shall be met, including ingress/egress design and parking space dimensions.

John Keely asked about the applicant meeting ADA requirements and accessibility?

Micah Woodard said they would make sure those were met.

John Keely said having a gravel lot wouldn't meet the ADA requirements.

Kelly Griffin, one of the owners of this property showed the planning board the size of the gravel lot. She pointed out the location of the sidewalk and the gravel. She stated they were going to put in a concrete apron.

Patricia Griffin other owner of the property stated anyone that needs handicap space will not have to cross any gravel area.

Mark Lane asked the applicant if the original plan submitted to Town Council showed a paved parking lot?

Kelly Griffin said yes

Kelly Griffin showed a presentation to the planning board showing all paving proposed with this new project.

Mark Lane let the applicant know their request will go before Town Council at the May 19<sup>th</sup>, 2026 meeting at 7pm.

**ZA-25-05 Text Amendment:** 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.

Staff has requested Planning Board table this text amendment once more. They aren't prepared to present it just yet. We will bring t back before the board at the May 7<sup>th</sup>, 2026 Planning Board meeting.

Planning Board staff was hesitant to table this again due to the possibly of losing their ability to hear it again. Nariman Jaminia found in the UDO in section **4.6.4.1**. Before an item is scheduled for a public hearing, 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.

Ashley Spain made a motion to table ZA-25-05 seconded by Nariman Jaminia. Unanimously approved.

**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 formal direction and further input into specific sections to begin research.

Pam Lampe came forward to discuss the UDO. She has an issue with people changing it. It was open to the public for input when it was being written. She believes it should be carefully thought out before it is changed.

Emma Gemmel asked who change the rules and limited the Planning Board to their duties?

Nariman Jaminia stated the change was by the general assembly and it was general statue NC160-D.

### **Adjournment**

Alisa Bizzell made a motion to adjourn; seconded by Ashley Spain. Unanimously approved

Next Planning Board meeting is on May 7<sup>th</sup>, 2026, at 6pm.

Respectfully Submitted,

*Julie Edmonds*

Julie Edmonds  
Administrative Support Specialist

DRAFT



# Request for Planning Board Action

**Agenda  
Item:** ZA-25-05  
**Date:** 5/7/2026

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

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## Issue Statement

Public meeting for a revised request by the Town of Smithfield Planning Department to amend the Unified Development Ordinance Article(s) 3 and 4, in matters pertaining to quorum definition as well as other minor updates.

## 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

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## OVERVIEW:

The Town Staff has been directed by the Town Council to amend the Unified Development Ordinance Article(s) 3 and 4, in matters pertaining to quorum definition as well as other minor updates.

The proposed text amendment consists of six (6) total amended sections broken into three (3) parts;

1. Revise Sections 3.3.3.3. and 3.3.3.5.4. – To redefine quorum.
2. Revise Sections 3.4.2.6.1. and 3.4.2.6.3. – To define the 'secretary role', and correct some general language.
3. Revised Sections 4.6.4.1. and 4.10.4. – To amend language for Town Council notice requirements and Board of Adjustments Voting.

## PROPOSED AMENDED SECTIONS SUMMARY:

**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 3.4.2.6.1.** This section is being updated to replace gender-specific language with gender-neutral terminology.

**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 REDFINE QUORM AND TOWN COUNCIL NOTICE**  
**REQUIREMENTS AND OTHER MINOR UPDATES.**

**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 redefine quorum and make other minor updates]

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**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.

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## **PART 2**

[Revise Article 3, Section 3.42 to correct general language and make 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 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~~ The term of office shall be ~~for a~~ one (1) year term, and until ~~his~~ a successor is elected, beginning on July 1<sup>st</sup>. 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 \_\_\_\_\_, 2026.

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M. Andy Moore, Mayor

ATTEST

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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:**

<b>Stephen Wensman</b>	<b>350 E Market Street</b>
_____ Petitioner's Name	_____ Address or PO Box
<b>Smithfield</b>	<b>919-934-2116</b>
_____ City, State, Zip Code	_____ 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: \_\_\_\_\_

**UDO Discussion: Page intentionally left blank for notes.**